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DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1892

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Official Reporters of the Senate of Canada.

SECOND SESSION—SEVENTH PARLIAMENT

OTTAWA

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THE DEBATES

OF THE

SENATE OF CANADA

IN THE

SECOND SESSION OF THE SEVENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE TWENTY-FIFTH DAY OF FEBRUARY, IN THE FIFTY-FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA

THE SENATE.

Ottawa, Thursday, February 25th, 1892.

The SPEAKER took the Chair at 2.30 p.m.

Prayers.

The SPEAKER presented to the House a communication from the Governor General's secretary announcing that His Excellency would open the Session at 3 p.m.

The House was adjourned during pleasure.

After some time the House was resumed.

THE SPEECH FROM THE THRONE.

His Excellency, the Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of the United Kingdom, Knight Grand Cross of the Most Honourable Order of the Bath, Governor General of Canada and Vice-Admiral of the same, being seated in the Chair on the Throne.

The SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House, —"It is His Excellency's pleasure they attend him immediately in this House."

Who being come with their Speaker,

His Excellency the Governor General was then pleased to open the Session by a gracious Speech to both Houses.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

It affords me much gratification to meet you at the commencement of the Parliamentary Session, and to be able to congratulate you upon the general prosperity of the Dominion, and upon the abundant harvest with which Providence has blessed all parts of the country.

The lamented and untimely death of His Royal Highness the Duke of Clarence and Avondale has aroused a feeling of profound sorrow. The sympathy with Her Majesty and Their Royal Highnesses the Prince and Princess of Wales, in their bereavement, which has prevailed in the Dominion on this melancholy occasion, has found expression in respectful messages of condolence from my Ministers, from the Provincial Governments, and from many other representative bodies.

The negotiations with respect to seal fishing in Behring Sea have been continued, with a view to the adjustment, by arbitration, of the difficulties which have arisen between Her Majesty's Government and that of the United States on that subject. Commissioners have been appointed by both Governments, to investigate the circumstances of seal life in Behring Sea; to report thereon; and to suggest the measures, if any, which they may deem necessary for its proper protection and preservation. The Commissioners are proceeding with their deliberations in Washington, and the results will shortly be communicated to Her Majesty's Government. I trust that their investigations, and the determination of the Arbitrators who are to be appointed, may lead to a just and equitable settlement of this long pending difficulty.

The meeting which had been arranged with the United States Government for a day in October last, for an informal discussion on the extension of trade between the two countries, and on other international matters requiring adjustment, was postponed at their request. But, in compliance with a more recent intimation from that Government, three of my Ministers proceeded to Washington, and conferred with representatives of the Administration of the United States on

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those subjects. An amicable understanding was arrived at respecting the steps to be taken for the establishment of the boundary of Alaska; and for reciprocity of services in cases of wreck and salvage. Arrangements were also reached for the appointment of an International Commission to report on the regulations which may be adopted by the United States and Canada for the prevention of destructive methods of fishing and the pollution of streams, and for establishing uniformity of close seasons, and other means for the preservation and increase of fish. A valuable and friendly interchange of views respecting other important matters also took place.

In accordance with the promise given at the close of the last session, a Commission has been issued to investigate the working of the Civil Service Act, and other matters connected with the Civil Service generally. The report of this Commission will be laid before you during the present session.

The conclusions of the Commission on the manufacture of beet-root sugar will also be laid before you.

It is desirable that the fishery regulations in British Columbia should be examined and revised so as to adapt them better to the requirements of the fisheries in that Province. A Commission has been issued with that object.

An important measure respecting the Criminal Law, which was laid before you last session, has been revised and improved, as a result of the expression of views elicited by its presentation to Parliament, and will be submitted to you. Your attention will also be directed to measures for the redistribution of seats consequent upon the Census returns; the establishment of the boundaries of the Territories; and the amalgamation of the Departments of Marine and Fisheries. Bills will also be presented to you for the amendment of the Civil Service Act, the Acts relating to real property in the Territories, and of those respecting the fisheries.

Gentlemen of the House of Commons:

The accounts for the past year will be laid before you, as well as the Estimates for the ensuing year. These Estimates have been prepared with a due regard to economy and the requirements of the public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I commend these important subjects, and all matters affecting the public interests which may be brought before you, to your best consideration, and I feel assured that you will address yourselves to them with earnestness and assiduity.

BILL INTRODUCED.

Bill (A) "An Act relating to Railways." (Mr. Abbott.)

THE ADDRESS.

MOTION.

The SPEAKER reported His Excellency's Speech from the Throne, and the same was read by the Clerk.

Hon. Mr. ABBOTT moved that the Speech be taken into consideration on Monday next.

The motion was ageed to.

THE COMMITTEE ON PRIVILEGES.

MOTION.

Hon. Mr. ABBOTT moved—

That all the members present during this session be appointed a committee to consider the Orders and Customs of this House and Privileges of Parliament, and that the said committee have leave to meet in this House, when and as often as they please.

The motion was agreed to.

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Monday, February 29th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. Mr. LANDRY was introduced, and having taken the oath of office and signed the roll, took his seat.

THE ADDRESS.

MOTION.

Hon. Mr. LANDRY moved

That the following address be presented to His Excellency the Governor General, to offer the respectful thanks of this House to His Excellency for the gracious Speech he has been pleased to make to both Houses of Parliament, namely:—

To His Excellency the Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of Great Britain; Knight Grand Cross of the Most Honourable Order of the Bath, Governor General of Canada and Vice-Admiral of the same.

May it Please Your Excellency:—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly thank Your Excellency for your gracious Speech at the opening of this Session.

We also respectfully thank Your Excellency for your expression of gratification at meeting us at the commencement of the Parliamentary Session, and we rejoice that

Your Excellency is able to congratulate us upon the general prosperity of the Dominion, and upon the abundant harvest with which Providence has blessed all parts of the country.

We share in the most heartfelt manner the feeling of profound sorrow which the lamented and untimely death of His Royal Highness the Duke of Clarence and Avondale has aroused, and we feel most sincerely the same sympathy with Her Majesty and Their Royal Highnesses the Prince and Princess of Wales, in their bereavement, which has prevailed in the Dominion on this melancholy occasion and has found expression in respectful messages of condolence from Your Excellency's Ministers, from the Provincial Governments, and from many other representative bodies

We thank Your Excellency for informing us that the negotiations with respect to seal fishing in Behring Sea have been continued, with a view to the adjustment, by arbitration, of the difficulties which have arisen between Her Majesty's Government and that of the United States on that subject. We are pleased to learn that Commissioners have been appointed by both Governments, to investigate the circumstances of seal life in Behring Sea; to report thereon; and to suggest the measures, if any, which they may deem necessary for its proper protection and preservation. We are glad to be informed that the Commissioners are proceeding with their deliberations in Washington, and that the results will shortly be communicated to Her Majesty's Government. We trust that their investigations, and the determination of the Arbitrators who are to be appointed, may lead to a just and equitable settlement of this long pending difficulty.

We receive with a deep sense of its importance Your Excellency's announcement that though the meeting which had been arranged with the United States Government for a day in October last, for an informal discussion on the extension of trade between the two countries, and on other international matters requiring adjustment, was postponed at their request, yet, that, in compliance with a more recent intimation from that Government, three of Your Excellency's Ministers proceeded to Washington, and conferred with representatives of the Administration of the United States on those subjects. We are glad to learn that an amicable understanding was arrived at respecting the steps to be taken for the establishment of the boundary of Alaska, and for reciprocity of services in cases of wreck and salvage. We are gratified to know that arrangements were also reached for the appointment of an International Commission to report on the regulations which may be adopted by the United States and Canada for the prevention of destructive methods of fishing and the pollution of streams, and for establishing uniformity of close seasons, and other means for the preservation and increase of fish; and we rejoice to hear that a valuable and friendly interchange of views respecting other important matters also took place.

We receive with gratification the announcements that in accordance with the promise given at the close of the last Session a Commission has been issued to investigate the working of the Civil Service Act, and other matters connected with the Civil Service generally, and that the report of this Commission will be laid before us during the present Session. We beg leave to assure Your Excellency that the report shall receive our best consideration.

We thank Your Excellency for informing us that the conclusion of the Commission on the manufacture of beet-root sugar will also be laid before us. We are also pleased to learn that, in as much as it is desirable that the fishery regulations in British Columbia should be examined and revised so as to adapt them better to the requirements of the fisheries in that Province, a Commission has been issued with that object.

We are glad to learn that the important measure respecting the Criminal Law, which was laid before us last Session, has been revised and improved, as a result of the expression of views elicited by its presentation to Parliament, and will be submitted to us. We hear with interest that our attention will also be directed to measures for the redistribution of seats consequent upon the Census returns; the establishment of the boundaries of the Territories; and the amalgamation of the Departments of Marine and Fisheries; and that Bills will also be presented to us for the amendment of the Civil Service Act, of the Acts relating to real property in the Territories, and of those respecting the fisheries.

Your Excellency, having been graciously pleased to commend these important subjects, and all matters affecting the public interest which may be brought before us, to our best consideration, may feel assured that we will address ourselves to them with earnestness and assiduity.

He said :—

Les traditions de cette honorable chambre, les usages parlementaires m'imposent le devoir d'apporter à l'appui de cette motion quelques remarques que je ferai aussi courtes que possible. Ne pas fatiguer son auditoire est bien ce que l'on peut désirer de mieux quand on n'a pas la prétention de le retenir captif sous le charme de sa parole ou de l'intéresser vivement par une exposition savante du sujet à traiter, par une diction entraînante, par ces hardiesses de pensée et d'expression qui décèlent l'orateur véritable et l'imposent à l'admiration de ceux qui l'écoutent. Si je ne puis, et pour cause, provoquer cette admiration, il m'est du moins permis, et c'est mon devoir, de réclamer votre bienveillance que je suis sûr d'obtenir, si mon humble discours, réalisant les promesses de son exorde, ne franchit pas les limites que lui trace ma prudence de vieillard. Car, il ne faut pas se le dissimuler, je suis arrivé à un âge où le positivisme le plus absolu chasse les illusions poëtiques de la jeunesse, où les fleurs aimées, même celles du style, disparaissent et sont remplacées par les fruits mûrs de la pensée.

Vous n'avez donc rien à craindre, je n'abuserai pas de votre patience.

Si j'ai accepté l'honneur de vous adresser la parole et de proposer la réponse à l'adresse du Trône c'est que j'ai compté non seulement sur votre bienveillance mais sur ce calme esprit de justice dont tout l'atmosphère de cette enceinte est imprégné et qui est comme l'émanation des heureuses qualités qui vous distinguent.

C'est cet esprit de justice qui s'est affirmé sans ambages quand l'honorable premier m'a gracieusement offert l'honneur de proposer la réponse à l'adresse. J'appartiens à une race actuellement en minorité dans ce pays, pays que nos pères ont conquis à la civilisation, que nos missionnaires ont arrosé du plus pur de leur sang, que nous avons longtemps disputé à un ennemi finalement victorieux et que nous partageons aujourd'hui, en frères, avec ceux qui unissent leurs efforts aux nôtres, pour que tous nous contribuïons, dans un commun et patriotique effort, à faire du Canada une terre que bénissent ses enfants et qu'admirent les étrangers.

Si ce n'est pas une loi écrite dans nos statuts, elle est du moins consacrée par l'usage et gravée dans le cœur de la popu-

lation, et c'est en son nom et sous son autorité que les différentes races qui habitent ce pays attendent de tout gouvernement juste, de toute administration éclairée, que les honneurs et les faveurs soient distribués de telle manière que justice la plus entière soit rendue aux différents éléments de notre population. On n'a pas oublié ce principe dans la présente occurrence, et si j'ai accepté l'honneur qui m'a été offert c'est que j'ai cru qu'il était dû à un Canadien-français et à un représentant de la province de Québec, c'est que j'ai voulu rendre plus manifeste l'acte de justice fait à ma race et à ma province.

Ces distinctions ne sont pas subtiles, et ne peuvent pas être déplacées. Elles se dégagent de la nature même des choses et qui dit *confédération* réveille de suite l'idée d'un assemblage d'éléments hétérogènes. C'est leur union qui fait la confédération. C'est leur harmonie qui fera le pays grand et prospère.

Sans doute, on peut et on doit se féliciter de la prospérité générale du pays et particulièrement de l'abondante récolte de l'automne dernier. Ce sont là des bienfaits que nous tenons de la divine Providence et nous devons l'en remercier. Mais il ne faut pas oublier que la Providence n'accorde ses faveurs qu'aux peuples qui n'ont point perverti leurs voies.

L'homme isolé, l'être individuel, ayant une existence au delà du temps, peut compter sur les récompenses ou les châtiments de la vie future. Il n'en est pas ainsi des nations : comme elles ne vivent que dans le temps et qu'elles ne sauraient exister comme nations dans un monde autre que celui que nous habitons actuellement, c'est ici-bas qu'elles recoivent de la Providence leur châtiment ou leur récompense: les calamités publiques, les désastres, les fléaux, la guerre, ou les abondantes moissons, la prospérité générale, les douceurs de la paix. C'est avec raison qu'on peut le proclamer, une nation a le gouvernement qu'elle mérite et la Providence atteint infailliblement ici-bas les nations qui corrompent leurs voies et qui souillent leurs annales. L'histoire du peuple de Dieu, connu de tous, atteste hautement, à chacune de ses pages l'indéniable vérité de cette assertion et constitue un enseignement salutaire dont notre petit peuple peut faire son profit en tout temps et plus particulièrement à l'heure actuelle.

Une grande nation vient d'être frappée dans ses affections les plus vives et dans ses espérances les plus légitimes par cette terrible moissonneuse qu'on appelle la Mort. C'est la messagère du Très-Haut qui passe, c'est la main de Dieu qui cueille sur les marches d'un trône cette royale fleur qui s'épanouissait au soleil de la jeunesse. Le coup était imprévu, il fut terrible. Un cri de douleur s'est élevé de tous les points du vaste empire britannique à la triste nouvelle que Son Altesse Royale le duc de Clarence et Avondale avait passé de vie à trépas.

Il y a quelques années, un jeune prince qui avait pris service dans les rangs de l'armée anglaise, tombait, un jour, dans une obscure embuscade, le corps troué de flèches, la poitrine ouverte par les sagaies des noirs enfants de la terre africaine. Une veuve inconsolable pleura ce fils unique et la France perdit pour toujours ce dernier rejeton d'une impériale dynastie. La mort du duc de Clarence ne présente pas ces caractères particuliers de désespérance, et cependant qui pourra dire le deuil universel qu'elle a créé ? Qui pourra peindre la douleur de la famille royale, les inexprimables angoisses de la mère, la désolation de la fiancée, l'abattement de tout un peuple quand l'ange de la mort alla frapper dans son palais ce premier-né que de royales mains et de saintes affections élevaient pour le plus beau trône de l'univers.

Ce malheur national eut son contre-coup jusque sur cette terre d'Amérique, et notre loyale colonie n'a point ménagé ses marques de douloureuses sympathies à la famille si terriblement éprouvée. Le gouvernement de ce pays, par la voie de ses ministres, les gouvernements provinciaux et un grand nombre de corps représentatifs ont exprimé dans leurs respectueux messages de condoléance la part qu'ils prennent au deuil de la famille royale. Le Dieu qui frappe est aussi le Dieu qui distribue la consolation; nous le prions d'en répandre la bienfaisante rosée sur les cœurs endoloris, pendant que notre affectueuse loyauté tresse une couronne à la mémoire du jeune prince.

Ce n'est pas le seul homme de distinction que l'Angleterre ait perdu dans ces derniers temps. Un autre prince est aussi disparu de la scène de ce monde, après une carrière bien remplie, laissant à son pays un grand nom, le souvenir de ses vertus et un héritage de bonnes œuvres accomplies sans bruit dans le silence même du sanc-

tuaire dont il était l'ornement. Une des gloires les plus pures de la vieille Angleterre s'est éteinte avec Son Eminence le cardinal Manning. Sur sa tombe à peine fermée, il me sera permis de jeter, en passant, les fleurs d'une admiration sincère et d'un respectueux souvenir.

Dans une circonstance difficile les autorités civiles ont eu recours à l'intervention efficace de cet homme distingué pour régler, à l'amiable, un différend des plus sérieux qui menaçait de transformer Londres en un champ de carnage.

L'Angleterre en cela ne faisait que mettre en pratique, une fois de plus, son principe de soumettre à l'arbitrage d'hommes compétents la solution de questions difficiles qui, autrement, ne pourraient être tranchées que par le sabre, au prix de l'effusion de beaucoup de sang, au prix de la paix et de la propérité de l'empire.

C'est ainsi que dans une question qui nous regarde spécialement, lorsque les intérêts de notre pays sont venus, tout dernièrement, en conflit avec ceux des Etats-Unis, l'Angleterre a entamé des négociations avec la grande république au sujet du droit de navigation, de pêche et de chasse dans la mer de Behring. Les négociations ont été poursuivies en vue d'amener le règlement de ces difficultés par voie d'arbitrage. En conséquence des commissaires ont été nommés par les deux gouvernements. Ils ont fait une étude approfondie de la question, et comme cette question de droit international se rattache par certains côtés à une question d'histoire naturelle, les commissaires se sont rendus jusque dans la mer de Behring pour y étudier, sur place, les habitudes, les mœurs, la manière de vivre des phoques, le sujet ou du moins l'occasion des difficultés existantes. Les commissaires se sont ainsi mis en état, par leurs propres observations, par une étude consciencieuse, de suggérer, d'autorité, les moyens les plus efficaces pour la protection et la conservation de ces amphibies. Siégeant actuellement à Washington, la commission y poursuit ses études et arrivera, avant longtemps, à une conclusion qui sera de suite communiquée aux deux gouvernements de la Grande-Bretagne et des Etats-Unis. Le gouvernement de notre propre pays, que cette solution intéresse à un si haut degré, a tout lieu d'espérer—il nous le dit du moins et cette assurance doit nous être chère—que la détermination à laquelle arriveront les arbitres, résultat final de cette commission, conduira à un règlement juste et équitable de ces difficultés et dissipera le nuage menaçant qu'un vent d'orage avait amené au-dessus de nos têtes.

Le règlement pacifique de cette question met de nouveau en relief l'avantage, l'inappréciable avantage que nous avons de vivre sous le drapeau britannique et d'avoir comme protectrice de nos droits, comme soutien de notre enfance, comme guide de nos pas, une nation puissante, respectée, dont les flottes sillonnent les mers, dont le pavillon se déploie comme signe de force et de grandeur sur les cinq parties du monde et qui nous a donné, à nous, la plénitude de nos droits politiques, le libre exercice de notre culte, la liberté, en un mot, sous toutes ces formes, jusqu'à cette liberté du commerce que nous exerçons, à notre gré, contre les intérêts de la mère patrie, en taxant à notre avantage et à son détriment, les produits de son sol et de ses industries.

Liberté plus entière fut-elle jamais accordée à une colonie ? aussi le peuple canadien est-il satisfait de son sort, et je suis sûr de me faire ici l'écho de ses sentiments et d'être plus particulièrement l'interprète des aspirations de la province de Québec, en déclarant, en proclamant notre loyauté à la couronne britannique et notre désir de vivre sous son égide. Ceux-là n'aiment pas leur pays qui veulent lui faire abandonner les avantages réels et connus pour le précipiter dans l'inconnu et l'incertain. Ceux-là sont traîtres à leur nationalité qui veulent la noyer dans le flot des intérêts purement matériels ou qui consentent à l'absorption complète de leur race dans cette mer immense d'une population de soixante millions.

Les intérêts de notre pays militent hautement contre une telle absorption. Notre proximité des Etats-Unis nous impose sans doute l'obligation d'avoir des rapports journaliers avec ce pays. Mais les relations amicales, même nécessaires, peuvent exister sans que l'un des pays disparaisse, englouti dans l'autre. Que voyons-nous aujourd'hui ?

Il n'y a pas à le nier, le commerce nécessaire entre les deux pays fait surgir de temps à autre des questions internationales, d'une grande importance pour nous comme pour nos amis les Américains. L'extension elle-même du commerce est devenue une de ces questions que les deux gouvernements ont intérêt et sont actuellement à

débattre. La conférence qui devait avoir lieu en octobre dernier à ce sujet a été remise, on le sait, à la demande des Etats-Unis. Reprise tout dernièrement elle a eu pour résultat immédiat une entente préalable entre les deux gouvernements. Des arrangements ont été conclus pour la nomination d'une commission internationale, ayant un vaste champ d'exploration, et devant faire rapport aux deux gouvernements du résultat de ses recherches et du fruit de ses études.

Nous devons particulièrement nous réjouir de l'assurance que nous donne notre gouvernement que les promesses faites à la fin de la dernière session ont été remplies et qu'un échange de vues amical et du plus grand prix a eu lieu entre les représentants assemblés à Washington.

Nous avons le droit d'espérer que nos ministres sauvegarderont les intérêts de notre pays et que le Canada aura lieu d'être fier de ses représentants. Ce travail qui commence peut être productif de grands résultats: c'est le secret de l'avenir.

L'enseignement du présent c'est que les rapports commerciaux entre deux peuples ne peuvent pas s'imposer par la force, et que du moment qu'il s'agit d'une réciprocité quelconque, si limitée qu'elle puisse être, il faut le consentement des parties intéressées. Ceux-là n'y ont pas songé du tout qui s'imaginent qu'un peuple de cinq millions peut en n'importe quelle circonstance imposer par le seul fait de sa volonté la réciprocité commerciale limitée ou illimitée à un peuple de soixante millions. Ce mariage d'intérêts ne peut se faire qu'avec le consentement des parties.

En attendant qu'il s'accomplisse ou qu'il manque, le gouvernement, qui conduit l'affaire, ne doit pas négliger les autres intérêts du pays. Il ne les a pas négligés non plus et il nous annonce que le rapport de la commission nommée pour s'enquérir de la mise à exécution de l'Acte du service civil sera présenté pendant la présente ssssion. On nous assure en même temps qu'on nous soumettra les conclusions de la commission sur la fabrication du sucre de betterave.

Elles seront reçues avec beaucoup d'intérêt. Cette question est intimement liée à celle de la protection qu'on doit accorder aux industries du pays et elle se rattache en outre à celle de la consommation à bon marché.

Sans vouloir entrer dans le vif de la question, il me sera permis, messieurs, de constater, et les statistiques le prouvent, qu'en 1890, pour l'année fiscale se terminant au 30 juin, nous avons acheté de l'étranger 233,381,711 lbs de sucre, représentant une valeur de $5,837,895.

En 1891, à la même date du 30 juin, l'importation du sucre a été de 174,045,720 lbs, représentant une valeur de $5,186,158.

Pour garder au pays cet argent qui en sort, il faut remplacer le sucre de cannes par le sucre de betteraves dont on peut cultiver la plante sous notre climat.

Mais le rendement du sucre de cannes est beaucoup moins dispendieux que celui de la betterave à sucre. Il faut donc pour que la culture de la betterave à sucre prenne de l'extension, que le gouvernement favorise cette industrie. C'est ce qui a été fait l'année dernière, lorsque, par une législation spéciale, il a été accordé un *bonus* de $1 par cent livres de sucre de betteraves avec un *bonus* additionnel de 3⅓ cents par cent livres, pour chaque degré au-dessus de 70, tel qu'établi par le polariscope.

Ceci veut dire que si le pays veut produire tout son sucre, le trésor devra verser entre les mains des producteurs une somme annuelle de $3,480,914, disons $3,500,000. L'année dernière, l'abolition des droits sur le sucre a privé le trésor d'un revenu de près de $3,000,000.

Voilà donc, de ce chef, un écart de $6,500,000 dont souffrira le trésor et qu'il faudra prélever sur le peuple de quelque autre manière pour rencontrer les dépenses ordinaires d'administration.

Comme on le voit, cette question est sérieuse et mérite d'être approfondie. Les conclusions de la commission jetteront sans doute beaucoup de lumière sur le sujet et nous indiqueront ce qu'il y a à faire dans l'intérêt bien entendu du pays.

Je ne veux pas, messieurs, abuser de votre patience en commentant davantage la réponse que je propose à l'adresse du Trône. L'honorable sénateur qui seconde ma motion vous dira ce que le gouvernement veut faire en fait de législation pendant cette session. Le discours du Trône lui-même indique tous ces sujets à nos délibérations.

Il me reste un devoir bien agréable à accomplir, celui de vous remercier pour la bienveillante attention que vous m'avez portée. J'ai parlé en français pour deux raisons: la première pour affirmer un principe et consacrer un droit, la seconde, parce

que je sais que dans un pays mixte comme le nôtre tout le monde, s'il ne le parle pas, comprend du moins le français. En Angleterre les classes instruites le parlent avec une pureté qu'on peut leur envier et cependant ce n'est pas la langue officielle. Au Canada le français est la langue officielle et il me fait plaisir d'exercer un droit quand je sais que c'est précisément à cause de ma nationalité que j'ai eu l'honneur d'être demandé à proposer la réponse à l'adresse.

Hon. Mr. MACDONALD (P.E.I.)—I regret that illness has prevented my junior confrere, the hon. Senator from Lindsay, Ontario, who was recently appointed to the Senate, from discharging the duty devolving upon him, according to parliamentary practice, of seconding the motion which my hon. friend from Stadacona has just introduced. I regret his absence, as he is thus debarred from the honour which would have been his had he been able to avail himself of his privilege, and thus stepped at once into the fore front of debate. I may also well regret it on your account, hon. gentlemen, that you are deprived of the pleasure which would have been yours had the duty remained in more competent hands, and I crave your kind indulgence while I refer as briefly as possible to some of the points brought to our notice in the speech with which His Excellency the Governor General was pleased to open this session of the Parliament of the Dominion. The death of His Royal Highness the Duke of Clarence in the early years of his manhood, just at the time when he was about to be united in the bonds of matrimony with the noble lady to whom he had given the love of his young heart, called forth one general wail of sorrow from all classes throughout the Dominion. From the mansion of the wealthy citizen ; from the household of the mechanic ; from the cabin of the hardy fisherman down by the sea ; from the fireside of the pioneer on the distant prairie ; from all alike came but one expression, that of profound regret for the loss sustained by Her Majesty, by the bereaved Royal parents and the afflicted lady who was so suddenly deprived of him with whom she anticipated sharing the joys and sorrows of her life. This universal sorrow, evinced alike by all classes of Canadians, shows that within their breasts there is a warm feeling of love and attachment to British institutions, to the mother country, and to the person of the Queen, who has so long and happily ruled over us. His Excellency was pleased to congratulate the members on the general prosperity of the Dominion and upon the abundant harvest with which Providence has blessed the country. Hon. gentlemen will agree with us that we have reason to rejoice in the abundant return which has rewarded the toil of the husbandman, for the Dominion has this year produced one of the most magnificent crops which we have ever had any record of. While in isolated cases there may have been a partial failure of some one article, as with the potato crop in some sections of the Maritime Provinces, that loss was compensated by the more generous yield of other articles. In the older Provinces, as in the North-West and Manitoba, the crops have exceeded our most sanguine expectations, and with all the great resources of the Canadian Pacific Railway, which was able before the close of the navigation to move upwards of 10,000,000 bushels of wheat out of that new country and place it on the market, that quantity is still less than one-fifth of the marketable production of that fertile region, according to the best information I have been able to obtain. In proof of the progress of the country, let me direct the attention of your honours for a few moments to the trade reports of the past seven months of the fiscal year, and compare them with the corresponding period of the preceding one. In the seven months ending 1st February, 1891, our exports of agricultural productions amounted to $9,156,943, while this year they were $15,399,792, an increase of $6,242,859, or about 66 per cent. Then in animals exported for the same period, you will find another indication of increased wealth : the amount has gone up from $20,066,580 to $21,707,620, a further increase under this head of $1,641,040. It would seem from these figures that the McKinley tariff has not affected the farming interest to any alarming extent, and that instead of crippling our business, or the productions of the labours of the husbandman, the statistics of our export trade indicate that that branch has expanded during the past few months in a somewhat remarkable ratio, as compared with the previous term. This expansion of the trade of the Dominion is not confined to agricultural productions or to stock alone. The mines have also increased their output, as the exports prove.

Taking the same period, we find that of the produce of the mine we exported in the preceding period $3,731,069 in value, and in the last seven months this had expanded to $4,163,388, an increase under that head of $432,319. Last year was not an exceptionally good one for the fisherman, but the export for the seven months ending February, 1891, which was in value $6,658,683, went up to $7,042,695, an increase of $384,012. Our export of the manufactures of the Dominion has also increased in the same period from $3,492,876 to $3,781,738 ; while the wants of the consumers in the Dominion are, as each succeeding year goes by, supplied to a much larger extent from the productions of our own people, thus giving employment to the labourer, the mechanic and the artisan. There has been also a notable increase in the export of such articles as are not the production of our own country, but which pass through the great natural highways or over the railway systems of the Dominion, giving employment to these railways in conveying such goods across the continent. The value of such exports has gone up from $7,224,420 to $11,274,996, an increase of $4,050,576 under that head. While the whole of these sections show a large increase in the volume of our exports during the past seven months, as compared with the like period in the preceding year, in one important interest there has been a decrease—I refer to the export of the productions of the forest. While in the first period of comparision we exported the value of $16,661,599 from productions of the forest, the export this year has fallen to $13,904,689, a diminution of $2,756,910 ; and of miscellaneous articles amounting to $143,996 in the first period, we only exported $106,293 in the last period. This falling off in the export of lumber is readily accounted for, as your honours will see, by the fluctuating market and low prices prevailing for a great part of the period, and also by high rates of freight which obtained at another period. Strikes, too, had a serious effect, as the people of Ottawa very well know, and disturbances in some foreign governments in South America also contributed to this result. Viewing, then, the whole volume of our export trade, which for the seven months of 1890-91 aggregate $67,136,166, and comparing it with the seven months just now elapsed, we find it amounted in the latter period to $77,381,211, a net increase of over ten million of dollars. This indicates a very marked increase in the general prosperity of the Dominion—an increase which is not perhaps so apparent to the casual observer, but which must be evident to all who study carefully the facts and figures given in the trade returns. It may perhaps be objected that in the earlier periods of the year under review some productions of the past or preceding year would be included, but both periods are alike in that respect. Lest it may be supposed that I have unduly pressed my conclusion in that way, we will take the months of January, 1891, and January, 1892, and that will but add strength to my position, for during January last the exports of the Dominion were $5,643,162, but in the January of 1891 they were only $4,294,959, showing that the volume of our exports for the month of January last exceeded that of the January of the previous year by $1,343,203. The only conclusions to be derived from a study of the export trade point to a season of increase, and increasing prosperity for the Dominion of Canada. Let me call your attention for a few moments to another phase of this subject. I refer to the imports for the seven months ending with January, 1891. We then imported goods to the value of $65,793,800. In the last seven months our imports were $63,899,655 ; so that while our exports have increased some 15 per cent. our imports have decreased nearly 3 per cent. This falling off in the value of the importations indicates that the goods rquired for consumption within our own borders are now to a large extent obtained from the factories which have been established under the provisions of the National Policy. These factories in turn give employment to the labourer and the artizan. They afford increasing markets for the productions of the farmer within our own borders. We import less quantities of manufactured goods and increasing quantities of raw material, and the wages of those employed in its manufacture goes to enrich and benefit the people of the Dominion itself. Again, if your honours will compare the amount of duties collected for the seven months ending January, 1891, you will find it is $13,439,408, while for the last seven months it is $10,896,771, showing a decrease of revenue of $2,542,637; but we must bear in mind that the sugar duties alone in the first period of seven months ending 1st January, 1891, amounted to $2,300,000, and that these have been dis-

continued on raw sugars imported for manufacture in the Dominion. Not only does this large amount remain in the pockets of the people, but sugar has become so cheap that it is now within the reach of all, and the quantity used has increased in a remarkable manner. It is gratifying to find that the negotiations respecting the seal fisheries in Behring Sea have resulted in the appointment of a Commission to investigate and report on that subject, and we trust that the result of such a course may remove all causes of irritation existing between the Governments of the different nationalities whose vessels are pursuing that important branch of the fisheries, in which the people of this Dominion are so largely interested. The settlement of the boundary line of Alaska along the southern edge of British Columbia has been the subject of correspondence between Governments now since 1872. It was estimated at that time that it would cost from one and a-half to two millions of dollars to define and mark it, but whatever the outlay may be it is a question that should be settled. Salvage and wrecking on the inland waters of the Dominion is another subject which engaged the attention of the Ministers during their recent trip to Washington, and when the report of the arrangements made with respect to this qustion has been laid before us we will be better able to discuss that important subject. In this connection I have no doubt but the Ministers referred to the still more important question of the coasting trade. Our people in the Maritime Provinces would be quite ready to reciprocate in that matter, and when the United States opens its coasting trade to Colonial and British ships we will readily respond and grant them equal privileges on our sea coast. There was a time when we had a treaty with the Americans which admitted them practically to the privileges our own fishermen enjoy. They were permitted to land and tranship their fish to purchase bait and supplies. While we were satisfied that this should continue, America terminated that arrangement just as she at an earlier period abrogated the Reciprocity Treaty. In this connection let me refer you for a few moments to a circumstance affecting our trade relations with the United States which occurred some years ago, but which it is well to bear in mind and profit by. On the 17th of March, in the year 1827, John Quincy Adams, then President of the United States, issued a proclamation, authorized by the Act of Congress, passed 1st March, 1823, declaring that all trade and intercourse between the United States of America and the British colonial possessions should terminate, and was by, from and after the date of such proclamation prohibited. His proclamation also revived the Act of Congress of 18th April, 1818, and 18th May, 1820, which prohibited absolutely the importation or conveyance of any goods into any port of the United States in British vessels. Although that law was in force for a considerable period, the brave colonists, of whom the United Empire loyalists then formed a large portion, did not seem to suffer from that proclamation, of which the McKinley Bill seems to be the degenerate offspring; and as our forefathers grew and flourished, when Brother Jonathan would have no intercourse with them on any conditions, when he prohibited our ships from entering his ports, so our trade at the present day is expanding in volume and our people are flourishing, notwithstanding the hostile tariff of our neighbours across the border. Recent events within the knowledge of your honours have shown that while we are ready to trade with them on fair and equal terms, this country does not want any veiled annexation, whether you call it unrestricted reciprocity or commercial union. We will make our own tariff, without reference to the McKinley Bill, and we will trade with those who are willing to trade with us on equal terms. A few years ago many people thought that we could not exist without reciprocity, but that opinion is now rapidly changing; we have sought and obtained new markets for our productions. On this subject, General J. W. Foster, one of the gentlemen who, with Secretary Blaine, met the Canadian commissioners at Washington recently, in the course of his remarks on reciprocity, made at the annual meeting of the New York Board of Trade and Transportation, spoke as follows: "Reciprocity is inseparably united to protection. It is impossible under the system of free trade. It is only when a country maintains a protective tariff that it is in a position to offer to other countries valuable concessions for specific products in return for exceptional favours for its own products." And he went on to state that one of the reasons they did not desire to extend commercial reciprocity treaties to Canadians, as they had done already to tropical countries,

was the similarity of our productions to their own. For the same reason we should not desire it, as it would result in bringing many more of the productions of the United States into competition with our own. Now, while their productions are similar to our own, many of them would come into competition with our farmers, under any form of free trade. We could not compete with Americans in raising pork or beef, for those articles, even now, in the face of what was considered a prohibitive duty, meet us in every section of the Dominion. Car loads of meat may be seen on every railroad en route from Chicago to the seaboard towns, at St. John, at Halifax, Sydney or Charlottetown, for our consumption. You will find American meats competing with our own in every Province. American flour, American corn, American pease and beans, American apples and fruits now crowd our markets, and it is with many thoughtful minds become a question whether free trade in any form would be a boon and a benefit to the Dominion. I need not refer your honours at any length to the destruction of our fisheries by purse seines. That question was well ventilated during the past session, when we passed a measure which prohibited their use in any waters over which we had jurisdiction, and it is evident that measures should be adopted to stop them from destroying our valuable fisheries outside the three-mile line, as well as within that boundary. If the mission to Washington will result in the adoption of any such regulations it will have accomplished a good work and much needed reform, which will preserve our fisheries from immediate destruction. The Civil Service Commission, which was organized by this Government, will, I have no doubt, result in perfecting a service which is already in many respects a good and efficient one. The Criminal Law is a subject which can be dealt with much more effectually by those of your honours who have had a legal training than by a civilian. That very important measure with which we dealt at considerable length last session has been carefully studied out in all its details by the legal profession, and when it becomes law, with such amendments as it may be found to require, it should be a perfect code, and I have no doubt it will be so. Another important subject brought to our attention by His Excellency is the re-distribution of seats, consequent upon the census return, as provided by our constitution. While we have to regret that our population has not increased as rapidly as we anticipated, and in consequence some sections may find that their representation in Parliament will be reduced, it seems that during the past decade there has been a tendency—an unfortunate tendency—among the rural population to desert the country for the towns. In Great Britain there is the same decline in this respect as is being felt in this country and in other older settled countries. The amalgamation of the department of Marine and Fisheries is a good measure, which brings both departments more directly under one chief head, and adds to the efficiency of the service. During the first session of this Parliament we lost the man who had occupied the foremost place in the Government of this country for a very long period, and the Opposition expected that after his demise the Liberal Conservative party would not long exist; but we find that they are gaining in strength and numbers as the time goes by. We have in this Chamber, in Mr. Abbott, the Premier, a leader we are proud to follow. We have in the other branch Sir John Thompson and the other Ministers. The policy of this party is unchanged. We still fight under the old banner, and hope to transmit it unsullied to another generation, who will witness the full fruition of that policy which Sir John inaugurated and our present leaders are now successfully carrying out with the increasing confidence of the people of this country. We have a country of untold possibilities, teeming with wealth in its lands, its forests, its mines, its minerals and its fisheries, with a free and enlightened system of government, and it only remains with ourselves to make it greater and more prosperous as time goes by. I second the motion made by the hon. member for Stadacona that the Address be adopted and presented to His Excellency the Governor General.

Hon. Mr. SCOTT — Before I proceed to make a few comments on the various paragraphs of the Speech from the Throne, I must congratulate the hon. member who has been so recently introduced to this Chamber—the Senator from Stadacona—on the very bright and eloquent address with which he has favoured this House. The hon. gentleman has had some experience of parliamentary life in another branch of Parliament, and I have no doubt that he will be an ac-

quisition to this Chamber. His address was naturally a very fulsome approval of the acts of the Administration. That was natural to expect, and I do not propose to carp at his utterances in that regard. He was in sympathy with the Administration, and he naturally gave utterance to the views that he and they hold on the several subjects to which allusion is made in the Speech from the Throne. The hon. Senator from Charlottetown apologizes for being obliged to second this Address, inasmuch as another gentleman had been selected to perform that duty. He need not have made any apologies to this House, because we are always very glad to hear him. Last year, I think, was his first session in this House, and the verdict was that the hon. gentleman was disposed to take a very fair and just view of the several subjects brought before this Chamber for its consideration. I confess I was somewhat startled at my hon. friend's utterances to-day in reference to this question of protection. He came out very strongly on the subject of that policy. I had hoped that he had entertained a somewhat more liberal and reasonable view of the subject. I certainly was surprised to hear him find fault with the introduction of American flour and pork into the ports of the Lower Provinces, because I had understood that the people of the Maritime Provinces, particularly New Brunswick and Nova Scotia, who did not produce enough of those articles, were very glad indeed to buy them if they could get them cheaper from the Americans than from others—that it rather helped the industries of the Maritime Provinces to get those important articles of food at as low a rate as possible. I question very much whether the policy that he suggested as the true one for this country, to keep out the cheaper products of the United States, would meet with the approval of the people in the Maritime Provinces. Both gentlemen have commented somewhat upon the general prosperity of the Dominion. It would be strange, indeed, if a young and vigorous country like Canada did not at all times, in spite of fiscal laws, show a considerable amount of prosperity, when you consider that we have as fine fisheries, I suppose, as they have in any other part of the world—that we have magnificent forests, which are unsurpassed in any other country—that we have broad acres of land from the Atlantic to the Pacific which yield most generously, and that in some years produce very much larger quantities than in other years, and that we are enabled by the enormous production of our lands to increase our exports abroad—that we have mines undeveloped, partially developed, and in various stages of development, in many parts of the Dominion—it is not to be wondered at that there should be some degree of prosperity in a country under such peculiar conditions. It would be strange if it were otherwise, but it cannot be contended for one moment, although that would be the general drift of the hon. gentleman's argument, that the Government of the day, by their fiscal policy, were entitled to some degree of credit for these increased exports, from one year to another. Surely they do not claim credit for having produced a larger crop last year than under ordinary conditions could have been produced. There can be no such pretension. Our natural wealth, year by year, ought to increase with the larger area that is brought under cultivation. If the North-West is to prove of value to us, as I am sure it will, the larger the area cultivated the larger will be the quantity of products for export, and there is no doubt that the huge export this year will tell on the prosperity of the Dominion next year. We shall probably have a larger amount of imports during next year, due to these causes, which are not causes that the Government can influence. They may in some degree rather retard the progress of the country, but they do not and cannot attempt to facilitate them. The paragraph of the Speech which has reference to the death of His Royal Highness is one which we all join in. Canadians without distinction earnestly unite in expressions of sorrow at the sad death of His Royal Highness the Duke of Clarence, not only that he was the heir presumptive to the British throne, and has been cut off in his early manhood, but that a new affliction in his death has visited Her Majesty, in whom we all take such a deep interest. During the 55 years that she has sat on the British throne the tie between Her Majesty and her subjects has grown. Among the 250,000,000 of people that acknowledge her sway, they all on the recent sad occasion felt sorrow that the Queen should have a new grief, and sentiments similar to those that were spoken of here a few minutes ago went forth from all parts of the world, because the British people now

are to be found in all quarters—in Africa, in Australia and in the broad Dominion of Canada. It is evidence of the warm sympathy that exists between the Sovereign of those realms and her subjects, and a proof of her benign sway, that in the 55 years she has ruled, she has year by year grown in the affections of the people. I am glad to note that the dispute arising out of the sovereignty of Behring Sea is to be adjusted on a pacific basis. I must congratulate the hon. leader of the Government on the course that is being now followed, and it is rather in marked contrast to the proposal and the sentiments that were expressed two years ago when attention was called to the subject in the Speech from the Throne—that the feeling was that we were to assert our sovereignty over that sea, that the pretensions of the United States would not for a moment bear criticism, that England was to be invoked to cause the United States to make an apology for their seizure of several vessels engaged in the sealing trade. The language on that occasion is in marked contrast, I say, to the language in the Speech from the Throne to-day. I am reading now from the Speech of 1890 :

"We receive with a full sense of its importance the announcement that in consequence of the repeated seizures by cruisers of the United States navy of Canadian vessels while employed in the capture of seals in that part of the Northern Pacific Ocean known as Behring Sea, Your Excellency's Government has strongly represented to Her Majesty's Ministers the necessity of protecting our shipping while engaged in their lawful calling, as well as guarding against the assumption by any nation of exclusive proprietory rights in those waters."

Hon. Mr. ABBOTT—Hear, hear.

Hon. Mr. SCOTT—To-day we find Great Britain did not take quite that view of it. Great Britain fell in with the view of the United States, and was not disposed to quarrel over a minor question of that kind. I hope the dispute between the two countries will be settled in such a way as, at all events, will not detract fron the dignity of the Empire of which we claim to be a part. I have no doubt it will result in a joint arrangement by which those two great powers, and perhaps a third or a fourth, may be entrusted with the management of the seals and their propagation in Behring Sea. The next paragraph of the Address has reference to a discussion on the extension of trade between the United States and Canada. I am sorry to see that that is all we are treated to on that particular question. We are not told what was the result of the meeting at Washington the other day with reference to the extension of our trade. The policy of the past Administration, at all events, was not one that added very much to the dignity of the country. It will be remembered that in December, 1890, a despatch was published, addressed to Lord Knutsford, intimating that Canada and the United States were to enter into a discussion with reference to the extension of trade between the two countries, and some other minor questions, and the announcement was made that that Parliament was not equal to dealing with the question, and an appeal was made to the people, under a pretence that this question with reference to the extension of trade was to be immediately taken up. We all remember the fiasco of March last and that the proposed meeting in October did not take place. We do not know what happened the other day at Washington, because the Ministers have not advised us. They simply state that something did occur with reference to the extension of trade between the two countries, but the Speech is perfectly silent as to what the result was. It is quite true that an amicable understanding was arrived at respecting the steps to be taken for the establishment of the boundary of Alaska. It was not necessary to go to Washington to discuss that. The question has been discussed in despatches for twenty years. There was no dispute as to the boundary of Alaska.

Hon. Mr. ABBOTT—Hear, hear.

Hon. Mr. SCOTT—My hon. friend says "hear, hear." It was settled in the treaty of 1825. The line was defined, but not marked out. There is no doubt a dispute as to where it goes. It commences at Portland channel and extends along the summit of the mountains, where those mountains do not extend more than 10 marine leagues inwards, and if they are more than 10 marine leagues, then 10 leagues is the limit to a certain meridian, and from that point it is a straight line to the frozen ocean. That is practically the position of it, and the only reason that it was not settled twenty years ago was that the expense was too heavy. The United States at one time

proposed a vote for the purpose and it was then said that it would cost about two million dollars. The population was small, and they did not feel warranted at the time in making that particular survey. It is purely a question of survey. The terms of the treaty are not disputed. I think as a matter of compromise at the time it was agreed between the two countries that we should mark off the line where it crossed the Stikine and other rivers, but it was going to cost too much entirely to run out this particular boundary. That, I think, is what actually occurred, because I remember something of it myself. A number of despatches passed between the two countries twenty years ago. Now, to-day I see by the American returns that the population of Alaska is nearly 6,000 whites and some 33,000 Indians. I do not know what the population of our own North-West, and British Columbia adjoining that, is, but it cannot be very much, and it is doubtful if there is any necessity to define the boundary now, unles it is to remove a certain degree of friction. To my mind, the natural way between two friendly countries would be to arrange a conventional boundary until the population on the one side or on the other was sufficient to warrant the necessity of positively making out this particular line. No doubt it is a very expensive boundary. The expensive part is, of course, the fringe of land that runs along the coast up to the particular part where the meridian runs, because it is entirely a matter of cost; I have never heard of any dispute as to the interpretation to be given to the treaty, because the treaty is plain and speaks for itself. I have the terms of it under my hand here this moment, if it is desirable to read them. I do no suppose it is; it cannot be disputed. The next paragraph I notice refers to an amicable understanding for reciprocal services in case of wreckage and salvage. It was not necessary to go to Washington to accomplish that. The Government of the United States—at least, so it was announced in the debate we had a few years ago, and the statement was not disputed—had on their statute book a law which allowed reciprocity in wreckage, and it was to be put in force whenever the President was advised that Canada had adopted a similar law. A Bill with that object in view was introduced in the other House by the member from Frontenac in 1888, and was defeated in that Chamber. The supporters of the National Policy considered that it was an attack on their system, so it was thrown out. In 1889 he renewed the attempt to pass the Bill and secured a majority vote. The measure came up to this Chamber and was debated here. We all know its fate in the Senate—it was thrown out by gentlemen who believed that it was disturbing and interfering with the National Policy. It was contended that Canadian tugs had to be protected as well as Canadian cotton manufacturers. I am glad to see that other views are now prevailing and that we are to have reciprocity in wreckage. I have always myself been in favour of it, because I think the circumstances of the two countries are such that it is monstrous that vessels in distress on one side or the other should not be allowed to employ the first tug that could reach them, or the cheapest tugs that could be obtained. The hon. Senator from Charlottetown rather enlarged upon that, and if I understand him, rather approved of going further. He spoke of the advantages that reciprocity in the coasting trade would be to the Dominion. I quite agree with him, and I should be exceedingly glad to see the coasting trade thrown open between the two countries. The more of those difficulties that are removed between the two countries the more prosperous will each country be, and the easier it will be ultimately to reach some understanding as to how far the international trade between the two countries could be carried. There are various other questions referred to in the Address, which I do not purpose just now to discuss. They relate to Bills that will, no doubt, be brought up to us in due time. Some of them, I trust, will be introduced in this Chamber, as we have the Premier here, and he, no doubt, will be disposed to give the Senate a fair share of the early discussion of Government measures. There is one subject which I think I ought not to omit calling attention to—that is, we will be called upon to consider a measure to redistribute the seats consequent on the census returns. I trust that any measure that may be brought down by the Government will be on a somewhat fairer basis than that which was introduced ten years ago, and which was known as the Gerrymander Bill, by which several members of the House of Commons were simply legislated out of their seats, and old bound-

aries were broken up simply for the purpose of giving a political advantage to one party over the other. The advantages that any Government have of going to the people are always strong enough without seeking to increase them by unfair advantage over their political opponents. The Government of the day at present have the appointment—and my hon. friend from Charlottetown drew my attention to the fact of the great success the Government are having at the present moment—of the returning officers. It is very easy to understand it. The Government have practically the arrangement of the lists. It is done by officers appointed by the Government. The lists are printed here. I suppose I have no right to throw out any insinuations, but with the strong political feeling prevailing at times throughout the country, you cannot expect people to be at all incredulous to the belief that the lists are tampered with. No doubt my hon. friends have advantages in the preparing of these lists. The friends of the Government have the advantage of securing them at an earlier moment than their opponents. The Government have the advantage of appointing the returning officers and of fixing the day when the election shall be held to suit the convenience of their candidate. Will hon. gentlemen say that with all these circumstances in their favour they cannot influence from fifty to one hundred votes in every constituency of the Dominion? I feel that the advantages are very much larger numerically than I have stated, and I think it is an exceedingly unfortunate thing in a country like Canada that either side should take advantage of the other in the extraordinary manner that this Administration has in the last ten years taken advantage of its political opponents, in practically securing the control of the elections. That is what it is. It is not consistent with the freedom of election and not consistent with the views our forefathers held, at all events, on the important principles involved in responsible government. The practices that prevail here and control the elections are not those that prevail and would be approved of in the mother country. Both sides there are placed on a fair and equal basis. It would have been only just and fair that when a considerable number of elections were to be held that they should be held on the same day, according to the spirit of the constitution of this country and the law on our statute book. We all know that the spirit of the law has been violated; one excuse or another has been found to avoid holding the elections simultaneously. It is presumed the lists are not ready, or the writ for the election was not ready to go. Fifty reasons can be given which, in the opinion of the friends of the Administration, are amply sufficient to justify the course taken; but when an appeal is made to fair-minded men, men who are free from political bias, they will say that it is not a good thing in a young country that one of the political parties should be handicapped in that manner—that the Government should be able to take control over the elections and make such a great difference in the success or defeat of any particular candidate. That is the growing feeling in this country. My hon. friend opposite no doubt will deny it, and perhaps will deny it honestly from his own standpoint; but there are the circumstances, there are the facilities at hand to avail oneself of the advantage that the control of the lists, and the control of the day of election, and appointment of the returning officer, has given one party over the other. These are salient points that cannot be gainsaid, and it is apparent to my mind at all events that the mere fact of having the opportunity of deciding these elements of the election must give one political party a very decided advantage over the other.

Hon. Mr. BOULTON—I have much pleasure in uniting with those who spoke before me in congratulating our hon. friend from Stadacona on the able manner in which he has moved the Address. I can also express my regret that Mr. Dobson, from the town of Lindsay, has not been present to assist in seconding the Address. From my personal knowledge of that hon. gentleman I am sure the House is to be congratulated on his taking his seat on Monday. I also unite with those who have spoken in expressing our great sorrow at the misfortune that has befallen the Royal Family in the death of the Duke of Clarence. Her Majesty the Queen has reigned long and well over us, and an affection, not only for herself but for every member of the Royal Family, beats in the heart of every Canadian, and when the news of the sudden death of the Duke of Clarence was wired through the length and breadth of Canada an emotion went up from

all classes expressing sorrow and regret for Her Majesty and the Prince of Wales in their sad bereavement. I understand that it is possible the Prince of Wales may pay a visit to Canada next year. I can only express the hope that such may prove to be true, for I feel sure that he will receive a warm welcome from one end of the Dominion to the other should he come amongst us. I see a clause in the Address that :

"In accordance with the promise given at the close of last session, a commission has been issued to investigate the working of the Civil Service Act, and other matters connected with the Civil Service generally. The report of this commission will be laid before you during the present session."

Now, hon. gentlemen, I feel that this is a very important clause. I feel that the question presented to us in the Address is a very important one, and that we will all look forward with interest to the report that is to be brought down of the Civil Service Commission appointed last year, and I desire to take this opportunity to refer to the scandals that were exposed in the Civil Service last session. As a Conservative I have much pleasure in congratulating our hon. leader upon the recent political successes his Government have met with at the polls. I regard the victories, however, rather as a response to the resolution of loyalty to Her Most Gracious Majesty the Queen, which was unanimously adopted by the Parliament of Canada, a loyalty which the Hon. Mr. Blake clearly pointed out was threatened by the commercial policy of the Liberal party, as a policy that would gradually alienate the allegiance of the people of Canada from the British Crown, and be the signal for the disintegration of the British Empire. I also regard it as an endorsement of the policy of the Conservative party as compared with the policy of the Liberal party. I must warn the hon. leader of the Government that the issue has yet to be put to the people of Canada whether the revelations of last session are to be condemned or not. As a Canadian, I must express my regret in consequence of the failure of the Government to reconstruct itself upon lines that would be a pledge that boodling would be at an end. We all realize that last session exposed a series of offences against the country's welfare, and we all know that it caused an hon. member to resign his position as a Minister of the Crown after forty years of public service. According to my view, the hon. Minister was more the victim of an organized system of raising money for election purposes out of the resources of the people at large in order to strengthen the Government in their possession of the treasury benches than deserving of being singled out as being a system for which he alone was responsible, and that if his resignation was necessary to purify the political atmosphere, it became necessary for the hon. leader of the Government to so reconstruct his Government that an effectual guarantee would be presented to the people that the dangers that threaten the country by immoral political methods would cease. Such a reconstruction, according to the opinion of many of the people of Canada, has not been effected, and I feel it my duty to declare at this early stage of the session that the Government of which our hon. leader in this House is First Minister will receive my opposition. My party friends, I know, will not accuse me of deserting a sinking ship or behaving in a treacherous manner, for the bye-elections have strengthened the hands of the Government to such an extent that in the interests of good government a more vigorous opposition is needed. I may be accused of instituting an opposition from the safe retreat of this honourable House, which might lay me open to the charge of selfishness and temerity, but when the constituency is divided in the county of Marquette, where I reside, a division which the census entitles us to, I am quite ready to resign my position here and trust myself in the hands of the people if they think I can serve them better in the House of Commons than in this honourable House. It is not an idea of the moment that has caused me to take this step, for I wrote to the late Hon. Sir John A. Macdonald a letter, for which he thanked me, and I told him that many people regarded with alarm the increasing use of money in the election campaigns, and that I hoped he would be able to effect a change in a system that was demoralizing the country. I did not fail to impress upon our hon. leader, who succeeded him the necessity of selecting men to assist him, irrespective of party, that the moral balance of the people might be restored, and that the trade of the country might be relieved from some of the burdens

that are pressing so heavily upon it. The great body of the people are too much engaged in their daily avocations to think out to their logical conclusions the effect of the steady pursuance of any policy in a given direction, and it is for their public men to present to them in well digested form public thought for the intelligence of the people to grasp and to vote yea or nay upon, according to their convictions, and I feel confident that I will not be condemned by my party friends for endeavouring to present the policy of the country in a new light. I propose to deal with some of the leading features of the Government policy in matters of our trade relations, and in the reciprocity features of them in our relations to the United States and Newfoundland; but, first of all, I wish to deal with the question of boodling in its relation to the Civil Service, and the dangers that threaten through its demoralization. The Government is the head of the Civil Service, and it is of the utmost importance that the system which governs the head in its relation to Her Majesty's loyal Opposition, and in its relation to the people of Canada, should be sound and pure. We have a large country to govern, as large as Russia, and we must depend upon our Civil Service to govern it well. I hold up Russia, as it presents itself to our eyes, as an example, because Canada in extent, in resources, in climate, is very similar, and some day in the distant future, like Russia, it will be populous. Look at Russia! There the Civil Service lies like a huge octopus upon the body of the people, warping their energies and embracing in its clinging arms the head of the nation as well as the humblest peasant, rendering them all alike powerless to throw it off, and, if the public press is correct, too soulless to stir itself to relieve their famine-stricken districts and too grasping to allow others to relieve them, until the possibilities of a revolution against its morbid power by the suffering people caused it to relax its system to permit private enterprise and private charity to do its work—not that I desire to compare the Canada of to-day with the growth of that colossal evil. Joyous, free Canada is just emerging from the forest to the plain, pure and undefiled by the struggles older countries have had to contend with when the principles of constitutional liberty were unknown. But, on the other hand, it is possible to establish a tyrannical form of government under the franchise of the people, and if we treat the offence of boodling as a venial offence, we will feel the entanglements of the octopus clinging more tenaciously year by year. I can say truthfully that, in my experience of many years in the North-West Territories, where our civil servants have had great responsibilities, and are removed far from the eyes of the public, it has maintained a character for honesty and effectiveness for which we may feel justly proud. I remember saying to a prominent official, some ten years ago, that it was a cause for much satisfaction that where the facilities and temptations were present, honesty had prevailed throughout this large territory. His reply was, that if I knew the number of vouchers, receipts and documents they had to sign I should not wonder at their honesty. This was a tribute to the strictness of the system at the head of the civil service, and shows how important it is to keep the head sound and the heart pure. Any weakness there will soon be felt in the arteries through which its course flows. The civil service is to the nation what the blood is to the body; keep it pure and the head and heart will be powerful and capable of accomplishing anything, but allow it to become impure by yielding to the temptations our lesser nature is heir to, and our energies both of mind and body are warped, passing on from one generation to another until we passively resign ourselves to its inevitable result. The last session of parliament revealed much to justify our apprehensions that more was behind, and that the resources of the country were being made the battle ground for party emolument. This has been the growth of late years. Whatever the political contentions may have been, our magnificent system of canals, this magnificent pile of buildings, Osgoode Hall, in Toronto, the court house in Montreal, and other monuments of the enterprise and ability of the past, when our revenue was below ten million dollars a year, are all evidences that economy ruled. The same evidences do not exist to-day, and it is not out of place to glance at the causes that have brought about this change. Canada emerged from a number of conglomerate provinces in 1867 to become a nation stretching from the Atlantic to the Pacific, and this vast territory was handed over to our Government. The great and good statesman who has gone to his

long bourne realized that, to perfect this union, means of internal communication were essential through our own territory. Two leading men, Sir Hugh Allan and Sir David Macpherson, both aspired to undertake the task of forming a company to build the Canadian Pacific Railway, and, as the sequel proved, Sir Hugh Allan, after supplying the means to enable the Government to carry the elections, was constituted the head of a company whose component parts were to be drawn from all parts of the country. This bargain was exposed and condemned by the people, and the Hon. Mr. Mackenzie was returned by an overwhelming majority. After five years, however, he failed to satisfy the people in their ambition to solidify Canada in his conception of the means necessary to construct the Canadian Pacific Railway, and at the general election of 1878 the verdict of the people was reversed, and they again placed in power the man who alone conceived the possibilities of the country undertaking so vast a task with the difficulties facing it. He adopted a National Policy with the view of strengthening the revenues of the country, to enable the country to provide the means in the face of the failing revenues of the preceding five years. The means he took to secure the construction of the railway is fresh in the memory of everyone. At every step he was met by vigorous opposition. At the granting of the charter he nearly failed on account of the proposal of the Opposition to leave out the Lake Superior section. Again, when the fate of the railway hung in the balance, and a loan of $30,000,000 was necessary to tide over a financial difficulty of the company, he had to throw the whole weight of his influence to secure this additional financial aid, additional to many generous concessions on the part of the country, and to an hon. member of this House (Hon. Frank Smith) is due, more than to any other, the credit for inducing the Government to take its fate in its hands and make that loan. It is not known to everyone, but we who lived in the interior at that time knew that the company was behind, that every storekeeper, every contractor, every station master, every labourer, were months behind in their pay; the company had pledged every public resource and every private resource; they were met with vigorous opposition by the other trans-continental companies in the money markets of the world, and in their straits they came again to the Government to ask for more. The business experience of our hon. colleague in this House showed him that if the company were allowed to go down a financial crisis would fall upon the country greater far than befell the people of the United States upon the failure of the Northern Pacific in 1873, and the people of Canada would have had to confess failure in their ambitious undertaking and suffer the reverses consequent upon that failure. He was able to point out to the Government the full effect of the crises, and to persuade the Government to take its fate into its hands and stand or fall by the measure. This is an open secret, and I trust not out of place to put on record in discussing the momentous questions of the day. Is it any wonder that in the excitement of the fierce struggle of those days the statesman who has gone from our midst resorted to methods that were questionable to enable him to carry out the policy which his mind alone conceived possible? He did it for his country: *Requiescat in pace.* We are now called upon to deal with a new Government, with a new policy, and it is not desirable to perpetuate a system which the revelations of last session exposed, and it is not desirable to minimize their effect. The Government of Canada stands at the head of the various governments which our constitution has provided for the government of our people. Its example should be above suspicion, and we have to review causes and effects when we are called upon to give an allegiance to a new regime. How is it that Canadians have rather retrograded in a united nationality, composed as we are of two races and two religions, who have grown side by side, legislated together, owning the same alliance together for a century and a-half? It is because appeals are now being made to the lower elements of our nature. It is not that we are not capable of possessing a higher nature. Our churches, our schools, our social life, all contradict that assumption. Yet here we are to-day as far from merging our individuality in a pure national life, as far from according that mutual respect to one another in our different attributes as if we were two separate peoples. The day has come when those who live in Canada should speak out and condemn wrong-doing, in whatever sphere of our public life it may be found. I am not one of those who despair of establishing on this

continent in the annals of Canada a record whose influence will be felt beneficially in distant years, but that can only be accomplished by those who occupy the highest public positions, not only thinking right but doing right, and requiring for those whose trustees they are that those under them shall do the same—apply the same rule to their public life that they do to their private life. For these reasons, I cannot help expressing regret that the hon. leader of the Government, for whom we all entertain the highest personal respect, should not have felt the necessity of selecting from the ranks of the representatives of the people men who were pledged to redeem the name of Canada from the stigma that the revelations of the last session have attached to her fair fame. At present our political life may be likened to two hostile armies drawn up in battle array, armed with the same weapons, loaded with the same ammunition, and while they are engaged in the fierce struggle for supremacy, the country is in danger of falling an easy prey to the designs of corporate power, which possesses no moral responsibility, and represented by our great transportation companies and those joint stock companies, brought into existence by the workings of our protective system. I am not one of those who are alarmed at the absorption by the Canadian Pacific Railway or the Grand Trunk Railway of the smaller lines, for the experience of this continent is that where there has not been absorption there has been combination; but what I am alarmed at is the danger of the corporate powers, which command so much capital and control such vast interests, being used to subvert the liberties of the people. Public opinion in England is healthy, and in that country, where the capital is raised to promote our large enterprises, public opinion will not countenance the power of capital being used to subvert the liberties of the Canadian people, and we have the evidence of that in the orders the General Manager of the Grand Trunk Railway gave to his employees that they were all to exercise their private judgment in the matter of voting, but if we silently acquiesce in the principle and make easy the way for corporate power to grow in the government of our country, the blame will rest with us and the burden be on our own shoulders. The public press of Great Britain have condemned in no unmeasured terms the evils of corruption that has been manifested in our midst, and in condemning that political corruption they are giving us the benefit of their experience drawn from history. They know the danger that lies in the pursuance of a certain course, and they are not slow to warn us, and it is wise for us to take heed. In the United States also we can find valuable experience—the experience of a struggle that is seen now pending in that country between the manipulation of political power by capital, on the one hand, and the people who see the principle of constitutional liberty slipping from their grasp, on the other. An anti-monopoly league has been started, and a popular story has been written by C. C. Post, entitled "Driven from Sea to Sea," to assist in exposing the prevailing methods of bribery for special interests. It is only a drop in the ocean of thought, but like the little pilules which the homeopathic practitioner claims to reach the seat of the disease, the same claims may be advanced for this work, and it is well worthy of perusal. In the appendix, the author gives a number of extracts from the speeches of public men in the United States, who neither close their eyes nor their mouths at the evils that face the nation. I will pick out one or two to show how the danger is regarded there. The Hon. David Davis, formerly judge of the Supreme Court of the United States, says:

"The rapid growth of corporate power, and the malign influence which it exerts by combination on the National and State Legislatures, is a well grounded cause of alarm. A struggle is pending in the near future between this overgrown power, with its vast ramifications all over the Union, and a hard grip on much of the political machinery, on the one hand, and the people in an unorganized condition, on the other, for control of the government. It will be watched by every patriot with intense anxiety.

"Great corporations and consolidated monopolies are fast seizing the avenues of power that lead to the control of the Government. It is an open secret that they rule states through procured Legislatures and corrupted courts; that they are strong in Congress, and that they are unscrupulous in the use of means to conquer prejudice and acquire influence. This condition of things is truly alarming, for unless it be changed quickly and thoroughly, free institutions are doomed to be subverted by an oligarchy resting upon a basis of money and of corporate power."

United States Senator Windom, who died recently, in a letter to the President of the Anti-Monopoly League, said:

"The channels of thought and the channels of commerce, thus owned and controlled by one man, or by a few men, what is to restrain corporate power, or to fix a limit to its exactions upon the people ? What is there to hinder these men from depressing or inflating the value of all kinds of property to suit their caprice or avarice, and thereby gathering into their own coffers the wealth of the nation ? Where is the limit to such a power as this ? What shall be said of the spirit of a free people who will submit without a protest to be thus bound hand and foot ?"

The third semi-annual report of the railroad commissioners of the State of Georgia, submitted 1st May, 1881, says :—

"The moral and social consequences of these corruptions are even worse than the political ; they are simply appalling. We contemplate them with anxiety and dismay. The demoralization is worse than that of war—as fraud is meaner than force, and trickery than violence. Aside from their own corruptions, the operators aim directly at the corruption of the press and Government. * * * * Worse even than a purifying storm is this malaria in the air, which poisons all the body politic, and corrupts the youth of the country by presenting the highest prizes of society to its most unscrupulous and unworthy members."

In the report of the New York Board of Trade occur these words :

"Honestly and equitably managed railroads are the most beneficent discovery of the century, but perverted by irresponsible and uncontrolled corporate management, in which stock watering and kindred swindles are tolerated, and favoritism in charges is permitted, they become simply great engines to accomplish unequal taxation, and to arbitrarily re-distribute the wealth of the country."

"The modern barons, more powerful than their military prototypes, own our greatest highways and levy tribute at will upon all our vast industries. And, as the old feudalism was finally controlled and subordinated only by the combined efforts of the kings and the people of the free cities and towns, so our modern feudalism can be subordinated to the public good only by the great body of the people, acting through their government, by wise and just laws."

These are only a few culled from a host of extracts handed down to public gaze by the author to stir the moral sensibility of the great nation to the south of us, and show us the difficulties they have to contend with. Now, hon. gentlemen, we are on the threshold. Our young nationality has not been stricken with the disease that has laid such a strong hold upon the constitution of our neighbours, and the freedom of our institutions is our guarantee of safety ; but those who are accustomed to think for the public can see a pulsation which marks that the vigour of our constitution is threatened. The eyes of the world are upon Canada to-day, and although other nations are too much engrossed in their own concerns to give it more than a passing interest, the stand that the people of Canada take upon the questions affecting their political morality will exercise its influence for the right or the reverse in the history of the country. For these reasons I have drawn the attention of this hon. House to the necessity of the people guarding well the birthright of constitutional liberty, which is threatened by taking too superficial a view of the effects of a system that was exposed to view during the last session. The next clause in His Excellency's Speech says :

"The meeting which had been arranged with the United States Government for a day in October last, for an informal discussion on the extension of trade between the two countries, and on other international matters requiring adjustment, was postponed at their request. But, in compliance with a more recent intimation from that Government, three of my Ministers proceeded to Washington, and conferred with representatives of the Administration of the United States on those subjects."

It is not necessary to read the clause in full, but the gist of the matters that are submitted to us lies, I think, in the question of the National Policy of Canada, and I propose to discuss that policy. Many consider that the head and front of the National Policy are its commercial features ; but my own opinion is that the authors who designed the National Policy, chiefly our late lamented leader, Sir John A. Macdonald, did not so regard it. The authors of our National Policy designed that the people of Canada should unite for the purpose of building up a nationality in British North America, a Canadian nationality, not as a dependency of the British Crown, but as a partner of the British Empire—as much a partner in the British Empire as the State of New York is a partner in the American Republic. That is my view of the National Policy. The commercial features of it are open to discussion. They may be changed, or not changed, according as the people of the country feel how the commercial policy of the Government presses upon them, or the reverse. My hon. friend on my left, in

seconding the Address, made the statement that the late Sir John A. Macdonald, whom we all revere, and whose memory we respect, stood by the National Policy, and asked the people to stand by it; but what we have to do in discussing a question of this kind is to pick out what is good of the policy of our late respected leader who has gone and leave out what we think is not suitable to our requirements from year to year. He did not hand down to us a hard and fast law that should bind the people of Canada. To accomplish a certain result — in order to complete the Canadian Pacific Railway from the Atlantic to the Pacific—he saw it was necessary to revive our failing revenues, and the only way it could be done was by adopting a National Policy, which has accomplished that result. We now have an opportunity of comparing what has been the effect of the National Policy between the years 1880 and 1890, and we also have the previous decade to compare with, between 1868 and 1879—two distinct periods that we can refer to in discussing this question. We have also statistics of the country that have been prepared for our guidance. As it has been very aptly put by others, our statistics is our national book-keeping, and any sensible man who wants to know what his business is doing, and what he has accomplished from year to year, will study well the items in his accounts to know where his profits lie, if he has any profits, and from what source he derives the largest profits, and governs his commercial life accordingly. Now, we have, as I said before, two periods of the statistics of the country covering a term of twenty-three years, to study, and feeling myself that there was something pressing upon the country—something pressing upon the people that none could exactly tell or exactly locate, I have undertaken to analyse them for myself. I have always manfully stood up for the National Policy. I have always felt it was a sound policy, because under it our revenue was increased; but, hon. gentlemen, the fact that our Government went to Washington to negotiate a reciprocity treaty which was going back on the National Policy, and the fact of the Liberal party having adopted a more extreme reciprocity policy than our Government—and which was a step that I could not approve of—the fact that the two political parties were aiming at some change induced me to study the question for myself and see where the trouble was—what effect the National Policy was having, and what change for the better for the people of Canada it was desirable we should make; and knowing that the census of 1891 had been completed, that we have the fullest statistics there as to what had been accomplished—that we had the statistics of 1881 and the statistics of 1871 before us, and the statistics from one year to the other handed down, compiled by the Liberal Government when it was in power, and by the Conservative Government when it was in power, we might fairly take these statistics and compare the figures, one decade with those of another decade. You cannot always gauge the prosperity of the people or the working of any particular policy by taking the returns of one year; but when you have ten years under one policy complete, and ten years under another policy complete, you have an opportunity of taking a fair average, and finding out from the comparison of these two decades what is working to the advantage, and what is to the disadvantage of the people of Canada. I have taken the trouble myself to carefully study the statistics of the country, adding them up, putting the first twelve years together, from 1868 to 1879, and then taking the scond period between 1880 and 1890, and adding them up together, and comparing them one with another, and it is the result of these figures that I propose to lay before you in order that we may discuss in an intelligent form the proposition that is laid down here in the Speech of His Excellency the Governor General with regard to reciprocity negotiations. I have prepared a return, comparing the volume of trade between 1868 and 1879, inclusive, with that between the years 1880 and 1890—twelve years in one case and eleven in the other. Between the years 1868 and 1879 our total trade exports and imports amounted to $2,086,000,000; between 1880 and 1890 the total exports and imports amounted to $2,250,000,000. Dividing the two respective amounts into twelve parts on one hand, and eleven on the other, we find that the annual average of our total trade between 1868 and 1879 was $174,000,000 a year, in round numbers; and between 1880 and 1890 it was $205,000,000, in round numbers—that is, or an increase of $28,000,000 a year during the second eleven years as compared with the first twelve years. Then, in the statistics there is brought down from year

to year a percentage of what the total trade is per head, what the total exports are per head and what the total imports are per head, and I find in the percentage of total trade per head that during the first period of comparison there was an average of $46.44 per head—that is to say, that the people of Canada, after having supplied themselves, did business with the outside world to the extent of $46.44 per head: and during the second period the percentage per head shows that after supplying themselves with all the necessities of life they were capable of producing in their own country, they only did a trade to the extent of $43.68 per head. Now, this shows that the people of Canada were not able to do as much trade per head in the second decade as they were in the first. When I defended the National Policy I always felt that the population of the country was increasing very largely, and the manufactories that were being established were busily engaged in manufacturing for and supplying a vastly increased population, and that that was a fair reason that we were retaining that capital in the country; but when I find that our population has not even increased, or barely increased, more than the natural increase, then that contention falls to the ground at once.

Hon. Mr. POWER—I would like to know whether, in making up the statement with respect to the aggregate trade of the country during the years to which the hon. gentleman referred, he took into consideration the fact that during the first period British Columbia, Prince Edward Island and Manitoba were not all the time members of the Confederation?

Hon. Mr. BOULTON—No; I did not. I have merely taken the returns out of the book, showing no reference to that at all, but that is a point which adds additional significance to the figures I am bringing before this honourable House. What I wish to show is that, whereas in the first period our aggregate trade was $46, and in the second period $43 per head, that the statistician mentions that in making up those statistics he based the population upon an increase which was not real. He expected and believed, according to the best evidence of growth, that the population of the country would be about 5,180,000, and his percentages year by year have been drawn from that possible increase, but the census has disappointed us in that respect, and I have no doubt that if those figures were gone over, most probably they would show a greater difference to the detriment of the last ten years than the first ten years. But I do not wish to deal with the total trade of the country, or to include in my estimates the imports, because there is no doubt about it that the imposition of duties would have an effect upon the imports. For instance, it drove United States wheat out of the Nova Scotia markets, and we supply the Nova Scotia markets ourselves from Canada, and instead of exporting the wheat, as we did before, to England, we are sending it to our Maritime Provinces. It had that effect upon our export trade, and our import trade, because, of course, this grain used to come in from the United States. Therefore, I confine myself, in the returns that I have prepared, to the exports only, because after all we must be guided by the exports. It is the exports with which we have to meet our liabilities and pay for the imports that the people require. Therefore, any failure in our ability to export means a failure in our ability to pay. There can be no doubt about that, I think. If we exported less during the second decade, notwithstanding what the National Policy has done for us in certain manufactures, than we exported in the first decade, it is clear to me that the people of Canada cannot be as well off, and there must be something wrong to bring about such a state of affairs. I find that in calculating the percentages of exports per head between 1868 and 1879 the exports were $20.33 per head, but between 1880 and 1890 the exports per head, according to the percentages calculated, are only $19.78 per head; but as I told you before, these percentages were based upon a population in excess of what the census shows.

Hon. Mr. PROWSE—That would make the percentage larger.

Hon. Mr. BOULTON—There would be a greater difference against the second decade. Of course, if our exports amount to $90,000,000 a year, and they are divided into 5,180,000 people, the percentage must be less than if they were divided into a smaller number. The value of domestic exports during the first twelve years is $770,000,000; the value of the total exports between 1880 and 1890 is $903,000,000, or an annual average of $64,778,000 for the first twelve

years, and only an average of $81,000,000 for the second period, so that the average increase is only $18,000,000 a year, though our population was steadily increasing, but not to the extent that we supposed it was. Again, the statistican shows that the export during the first period was $17.28 per head, and during the second period $17.50. Now, the next item I come to is the exports of products of the forest. In the first decade they amounted to $261,000,000, and in the second decade $250,000,000, an average of $21,782,000 a year for the first period and of $22,727,000 a year for the second period. Under the stimulus of the National Policy, and of increased immigration and labour, we only increased the exports of our lumber to the extent of $1,000,000 a year. The next item is the exports of the products of the mines. During the first twelve years we exported of products of the mine $42,000,000 worth, and in the second period only $39,000,000, showing a decrease of $3,000,000. I now come to the exports of manufactures. The National Policy, of course, was intended to develop manufacturing, and therefore it was to be expected that it would have the effect of bringing in raw material which would be manufactured in the country and sent out, giving profit to the country by the increased labour and adding to our prosperity in that way, but the result with regard to our manufactures is the same as with regard to our mines. There has been comparatively no increase in the export of our manufactures, and our manufacturers have really been working in order to supply our own people and have not added to the wealth of the country at all, so far as their power to export manufactured goods is concerned. That is quite evident from the figures that I have been bringing down. The total export of manufactures during the past twelve years was $34,000,000, and during the second period $40,000,000, an average of $2,800,000 for the first period and of $3,600,000 for the second period, an increase of less than a million dollars a year over the first period when our manufacturers were not assisted in any way. Then the foreign trade passing through Canada shows but a small increase. It was $98,000,000 for the first period and $102,000,000 for the second period. The carrying of the trade of foreign nations is of great value to a country. It assists the home people to maintain their transportation facilities in an efficient state. It is of very great value, and whatever charges are imposed for carrying foreign produce through a country benefits our own people, but we find that the increase in the second period over the first is but $4,000,000. Then I will take the export of coin and bullion—I presume that means the export of gold and silver. I find that during the first twelve years the exports of the precious metals amounted to $79,000,000, and that during the second period it fell to $46,000,000. Those hon. gentlemen who come from Nova Scotia and British Columbia, where gold is produced, know that it costs nearly 3s. 6d. to get one dollar's worth of gold, and that any excessive taxation or impost on the labour used in producing that may check the production, and it must be something of that kind that has checked the production of it in this country, because we see that the export has been decreased 50 per cent. The gold is still there, and will still be taken out by giving the labour engaged in the production of the precious metals a better and cheaper mode of working it, and I have no doubt the export will come up again and be of great value to the country. The next thing that I come to is the export of agricultural produce produced in the country. In the first period we exported $187,000,000, and in the second $201,000,000, an increase of only $14,000,000. Now, this is an agricultural country. We occupy the best position on the continent for the production of wheat, and our exports of agricultural products should have shown a larger increase than I have mentioned. We must not forget that since the National Policy was imposed we have opened up the great North-West. Prior to 1880 that great country was a sealed book, so far as Canada was concerned. I think it was in 1878 that the first train ran in that country. It is since the National Policy was imposed that the country to the west of us has been brought into the statistical returns that I am quoting. Notwithstanding the opening of that great country, and the fact that we have a virgin soil there capable of producing largely—land ready for the plough, requiring no forest to be cut down, and only requiring that the people shall go in there and break it up to produce crops—notwithstanding the fact that this magnificent territory has been added to the Dominion, we find that between 1880 and 1890 the exports of agricultural produce have

increased only some $14,000,000. There must be something wrong. I am an agriculturist myself, living in the interior, 300 miles from any port, dependent on railway transportation, and I am brought into contact with the agricultural classes. It was their loud and constant complaint that led me to look into the question, so far as our commercial policy is concerned, and to figure out for myself these facts, that I might be able to discuss the question here before the Senate. I now come to the total exports of agricultural produce over produce entered for home consumption; that is going back to the foreign trade again. During the first two years the total value of agricultural products, over what we exported as the produce of Canada, was $29,000,000. During the second period it was $26,000,000, so that in ten years there has been a falling off of $3,000,000 in the value of the agricultural exports passing through Canada. Now, why is that? It is a great loss to the people of Canada. Instead of falling off, that trade should have increased 25 per cent. at the very least, if the people of Canada and our home industries had been in a prosperous condition. Then we come again to the exports of animals and their products, and we find in this a more healthy state of affairs. In the first period it was $156,000,000, and in the second $247,000,000, or an increase of very nearly $100,009,000. To what are we indebted for that increase? Has the National Policy brought it about in any way? The reason of it is that the facilities for shipping cattle have been increased of late years. The first shipment of live stock across the Atlantic was in 1874; since then we have learned how to ship cattle to Great Britain with the greatest facility, and the prices that we get in the English market are infinitely better than we ever got from the United States.

Hon. Mr. KAULBACH—What has given us the increased facilities?

Hon. Mr. BOULTON—The raising of the beasts in Canada and the demand for the shipment of them to Great Britain—that is how we have got the increased facilities. So far as the National Policy is concerned, our facilities have been reduced. The complaint is made in Montreal—the facts were published only the other day in the newspapers—that better facilities are required. The Allans have memorialized the Government to restore the carrying trade in iron to its original position, so that they could carry the produce of the country across the Atlantic at cheaper rates.

Hon. Mr. KAULBACH—If you had not the National Policy would you have had these cattle to ship?

Hon. Mr. BOULTON—Certainly. The National Policy only imposes on the people who raise these cattle burdens too heavy to be borne.

Hon. Mr. KAULBACH—Would you have the North-West opened up for the raising of these cattle?

Hon. Mr. BOULTON—No; to that extent I acknowledge the National Policy has done good to the country—that if we had not had that policy we should not have the Canadian Pacific Railway now; but we have the Canadian Pacific Railway, and what we want now, since we have spent our money and added largely to the debt of the country for the construction of that line, is some relief from the burden that we have to bear. That burden has to be borne by those who raise the cattle and wheat that we export. We have less going out of the country to pay that debt than we had in the first decade, and therefore the people who live in the country have to bear that burden. Instead of having more people attracted to the country, and more foreign trade to assist in paying it, the burden is laid upon those who live in the agricultural districts. Notwithstanding our fine fields of wheat and herds of cattle, there is not money enough left in the pockets of the farmers to justify them in believing that they are prospering under the present policy. I now come to another statement which shows a very gratifying increase, but an increase which does not result from the National Policy—that is, the yield of our fisheries. The export of products of our fisheries during the first decade amounted to $59,000,000; during the second decade it was $83,000,000. In the first period the fisheries yielded $110,000,000, and during the second period $189,000,000, so that in consequence of the increased transportation facilities that have been given to us, the consumption of fish in the country has largely increased, and added to the wealth of the fishermen, while the export also has been maintained. It is only in these products that we can congratulate ourselves on a decided increase—the products of the farm and the products of the sea. But the products of the

farm the farmers say we do not legislate for. They say "give us a show; give us a fair field and no favour; that is all we want," and I have no doubt the fishermen say the same thing. Reduce the cost of production; make it cheaper for him to live in this country and you increase his profits, and you also increase the wealth of the country by increasing his ability to export for the country. These are the two interests that show the largest increase—in comparing the returns for the two decades—the agriculture of the soil and the agriculture of the sea. They are not depending in any shape whatsoever on the National Policy for their prosperity. I will be enabled to show hereafter that it has burdened the agricultural part of the country through the prices that have to be paid for many articles that enter into their calling. The next thing we come to is the export of coal. That is another of our industries—an industry which I believe one day is going to be very great in the country, but so far as the export of coal from Nova Scotia is concerned, we have nothing to congratulate ourselves upon in regard to the National Policy. In 1874, which is the first year for which any return is shown, we exported 252,000 tons of coal from Nova Scotia, and in 1889, which is the last year for which we have returns, we exported only 186,000 tons. That is the result of the National Policy.

Hon. Mr. KAULBACH—We consume it in our own country.

Hon. Mr. CLEMOW—Your figures are wrong.

Hon. Mr. BOULTON—If they are wrong they are from the book.

Hon. Mr. MILLER—I did not hear the hon. gentleman's figures.

Hon. Mr. BOULTON—(Repeating the figures.)

Hon. Mr. MILLER—These figures are wrong. Last year the export from Nova Scotia was 1,700,000 tons of coal.

Hon. Mr. BOULTON—To where?

Hon. Mr. KAULBACH—All Canada.

Hon. Mr. BOULTON—That is not export. I am speaking of the exports of Canada; you are putting it on the people of the Province of Quebec. They purchased from the Province of Nova Scotia 800,000 tons, but at a heavy cost to themselves. You have to put a duty on the coal from the United States in order to introduce Nova Scotia coal into Quebec. You have to spend thousands of dollars on the Intercolonial Railway in order to enable the people of Quebec to buy Nova Scotia coal. That is the way 800,000 tons of Nova Scotia coal is sold to the Province of Quebec. Why are the people of the Dominion obliged to support an industry in which there is a falling off to the extent of 700,000 tons in the exports to the world? If we want to draw wealth to the people of Canada it is from the outside world we must draw it. We cannot draw it from one another unless we prey upon one another, and that is a thing we should avoid, and it is to prevent that and avoid it that I have studied this question from the standpoint I am taking, and changing my views with regard to the National Policy for the coming time. During the first twelve years that I have referred to we produced in Nova Scotia 873,000 tons a year, from 1874 to 1879, and then the National Policy was proposed, and our production increased to 1,611,000 tons. It increased about 800,000 tons, or the exact amount that was shipped to the Province of Quebec. That is what made the increase, and that alone was fostered, as I have told you, at an expense to the people of Quebec and of the rest of the Dominion.

Hon. Mr. SCOTT moved that the debate be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned at 6 p. m.

THE SENATE.

Ottawa, Tuesday, March 1st, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Honourable Mr. Dobson, new Senator from the town of Lindsay, was introduced, took the oath of office, signed the test roll and took his seat.

THE ADDRESS.

DEBATE RESUMED.

The Order of the Day having been called resuming the adjourned debate on the consideration of His Excellency the Governor General's Speech on the opening of the second session of the seventh Parliament—

Hon. Mr. BOULTON said : I observe that a daily paper, published here in the city of Ottawa, this morning had a heading over the Senate report that the "Hon. Senator Boulton is again kicking over the traces," and with your permission I will draw your attention to that heading, for I suppose what has been referred to is the "kick" I made last year when I brought in some amendments to the Address that was presented to Her Most Gracious Majesty, and I was looked upon at that time as a "kicker." It was only an honest attempt on my part to improve the sentences in the Address that I thought were unwisely expressed, and, as I thought at the time, the result was a justification of the action I took because one of the amendments that I made was that we should not ask for the renouncement of the most favoured nation clauses, but only for the renouncement of the most favoured national treatment under the two treaties with the Zollverein and Belgium. I observe when it went to the House of Commons that that amendment was made and the Address came back to the Senate to have that amendment ratified. The other clause that I thought was not wise to have in that Address I observe is now being used by the Government of Newfoundland to defend itself against the position that Canada is taking in interfering with the reciprocity arrangements they were endeavouring to make with the United States, as they say if Canada demands the rights under that clause why should they be denied Newfoundland ? Had the denouncement of the most favoured nation clause been demanded, and which is now being used to protect our trade arrangements with the Spanish West Indies, and Sir Charles Tupper and a member of the Newfoundland Government are to-day working to get the Imperial Government to preserve Canadian and Newfoundland trade with the Spanish West Indies under the most favoured nation clause with Spain which the Address, in its original form, as it came before us last year, denounced, a defect which I attempted to amend. I think that these cases that I cite were sufficient justification for the action that I took on that occasion, and that it can not be referred to as a "kick over the traces" any more than the action I am taking on the present occasion. All that I am doing is preparing information for the people of Canada on which to decide what is the best for our interests in regard to the trade arrangements of the country. That is what I am here in this honorable House for—to assist the people with the information that is at my disposal, and at the disposal of every member of the Senate, to form for themselves a judgment on the questions before the country. I might say, and I do not think it improper to refer to it at the present moment, that the amendment which I moved last session drew forth this statement from the hon. member from Halifax, a gentleman who opposes the Government. He said :

"The hon. member from Shell River confined his speech pretty much to the matter before the Senate, and, I think, he gave us some very valuable information. I presume most of the members were aware of the fact before but the information that he gave with respect to the attitude assumed by the British Government in connection with the Spanish treaty was quite new to me. It was very important and valuable information, and shows, I think, in a very clear and emphatic way how careful the Imperial Government has been of late of the interests of her colonies. We in Canada have every reason to be satisfied."

I think that is a tribute extracted from a member of the Opposition showing that he, at all events, from the information I was able to bring down, felt satisfied that our interests were being cared for by the Imperial Government. It is a view that is most essential for us to take at the present moment when I think our interests in connection with the British Empire are at stake. Any information I can bring down to strengthen the views taken by our neighbours should be of value to this House and the country at large. Now, taking up the discussion of our trade relations, I yesterday was engaged in discussing the question of our coal industry. I made a statement that in 1874 we exported 252,000 tons, and in 1889 we only exported from Nova Scotia 186,000 tons, and I see no reason to change those figures, although they have been called in question. The total output of coal in the Province of Nova Scotia from 1874 to 1879 averaged 873,000 tons, and the coal, that was put out in the Province of Nova Scotia from 1880 to 1889 averaged 1,611,000

tons a year. The export from Canada was not increased, but the shipment of coal from Nova Scotia to the Province of Quebec represented the difference between the two periods. The National Policy had the effect of sending up 800,000 tons of coal in the past year to the Province of Quebec. How far that was a profit to the Province of Quebec or the Dominion at large, I am not prepared to say. We have no statistics that will show us anything with regard to that. All that I am engaged upon at the present moment is to show what our exports from the ports of Canada are and how far they enable us to meet the increased liabilities that the National Policy, or the expenditure of the past ten years has put on the country, and therefore I am not prepared to discuss the merits or the profits of the internal trade. From the Province of British Columbia our export of coal has increased very largely. In 1874, the first year for which we have any record, the export was 51,000 tons; in 1889 it was 470,000 tons. The reason why that shows up so well is because the coal on the Pacific coast is not so favourably situated for American consumers as the coal of our Canadian mines, and therefore we may hope and anticipate that a very large increase will year by year be made in the export of coal from the Province of British Columbia. But the National Policy, or the principle of protection, does not promote or help that export in any way at all. If the duties were removed from our coal industries—if the duties were removed that are now imposed on articles that enter into the labour engaged in the mines—it would probably yield a very large profit to those engaged in the industry, enabling them to compete more successfully, and to increase the export from 470,000 tons to 1,470,000 tons. That is the benefit that a reduction or a total abolition of the duties is going to effect. It leaves to the individual enterprise of any man all the scope that he requires; it leaves to the individual merits of any industry all the encouragement that it requires. If it cannot live on the same terms that the trade in Great Britain lives under—a free trade policy looking for the markets of the world—then it is not an industry that can be profitably pursued in this country; but if it does it will go on increasing its trade and output, bringing wealth to the country from the outside world. The next return is the export of our agricultural products. We have always prided ourselves very much indeed on the export of our dairy produce—always pointed with great pride to the increase in the export of cheese, and the value that this industry has been to the country at large. Hon. gentlemen will be surprised when I tell them that in 1881—eleven years ago—we exported just as much dairy produce from Canada as during this past year, and that in the ten years since the protective tariff was imposed the export of our dairy produce has increased very little in comparison to the increase of population. I will give you the figures. The export of our dairy produce from 1879 to 1884 was: cheese, 314,642,095 pounds, valued at $32,398,836; and butter, 81,836,653 pounds, valued at $15,087,454, or a total export of $47,486,290; from 1885 to 1890 the export of cheese was 498,341,033 pounds, and butter 25,632,769 pounds, or a total value of $54,058,230. From 1879 to 1884 there was 81,000,000 pounds of butter exported, valued at $15,000,000, and from 1885 to 1890 there was exported only 25,000,000 pounds of butter, valued at $4,700,000. In 1881 the value of the export of our butter and cheese was $9,083,000; in 1890 it was only $9,700,000, showing an increase of only a little over $600,000 in ten years, comparing two separate years together. Counting butter equal to two and a-half pounds of cheese, and adding both together the total export of our dairy produce in pounds was 519,233,795 for the six years from 1879 to 1884, as against 561,422,955 for the six years from 1885 to 1890. Adding the two amounts together we have $47,000,000 worth of dairy produce exported for the first part of the period during which the tariff was imposed, as against $54,000,000 in the last half—six years in each period, or an increase of a little over $1,000,000 a year. Now, hon. gentlemen, if there is anything that we can export, if there is anything the country ought to be capable of exporting, it is our dairy produce, because our country is naturally suited for it; and I wish to point out what another country has done in the same period. Denmark, whose climate is somewhat similar to ours, a small country of only a little over 2,000,000 of population, has the advantage of being somewhat closer to England, but our ocean facilities are now so good, and the facilities for storing and keeping things sweet are so good that it is brought down to the smallest point in the difference there is in distance. Denmark the last two years has increased her

export of butter to England, a market that is open to Canada, by $5,000,000. Her export of butter to England is $25,000,000 a year. That shows you what a country can do. That shows you where it finds its market. The same market is open to us, and we have not increased our export of dairy products in any year by any appreciable extent, and then only a total export of $9,700,000 a year, while Denmark, with less than half our population, has been enabled to increase the export of her dairy products to $25,000,000 in the British market. Now, hon. gentlemen, what is checking the growth of our dairying interest ? There must be something to do it. It is not for want of intelligence on our part, or for want of transportation facilities on our part ; there is something or other checking that interest which ought to grow at a more rapid rate. Of course there is this to be said of the British market : they trade with the world. Everybody has a right to send goods there, and therefore the people of Great Britain having a choice they pick the best, and if ours is not up to the best it has got to take second place ; the most economical thing an individual can do, or the most economical thing that a nation can do, is always to buy the best. The Province of Nova Scotia, in shipping apples to Great Britain this year, has found out that they can get as much for a peck of apples picked at the proper time, wrapped in paper, and packed properly, and shipped forward in good order, as they can obtain for a bushel of apples improperly packed and sent forward in poor shape. Therefore, it may be because we have not realized the value of the market, or the profits that might be accruing to the country by taking advantage of the requirements of that trade. I will now call your attention to the export of bacon, pork and ham. From 1874 to 1882 the exports amounted to $9,506,040, and from 1883 to 1890 they amounted to $5,614,666. In 1874 the exports of bacon, pork and hams was $2,170,000. In 1890 it had fallen to $651,000. That is part of our dairy products. Pork and dairying are kin industries, and we find that the export of our pork, bacon and hams has fallen from $2,170,000 to $651,000. The next item that has directed my attention is the export of sheep. From 1879 to 1884 our export of sheep amounted to 1,985,540 in numbers, valued at $7,774,620, and from 1885 to 1890 to 2,209,081, valued at $7,848,997. Here we have again an industry that is applicable to Canada, an industry that our farmers are all engaged in. I find that in 10 years there is comparatively no increase, either in number or value. Then again in horses : during the first half of the decade the export was 105,000 horses,, valued at $10,928,000, and the last half of the decade the export was 101,000 horses—a decrease of 4,000, but an increase in price to $12,500,000. Now, we come to the export of cattle, and we find here a very large increase ; 381,000 head of cattle were exported in the first half of the decade, valued at $21,000,000, and in the last half of the decade, 636,000 head of cattle were exported, or very nearly double, valued at $37,000,000. There we have very nearly double the export, but, hon. gentlemen, if it had not been for that trade in cattle where would the increase in the exports have been? We would have been away out as far as the increase in exports is concerned. It is the prices that have been given for those cattle in the British market that has occasioned the increase, and I would like to quote to hon. gentlemen the prices. In 1890 we sent to Great Britain 66,000 head of cattle, valued at $6,500,000. We sent to the United States 7,840 head of cattle, valued at $104,000, so that the cattle sent to Great Britain realized a price of very nearly $80 or $90 a head. During the first decade from 1868 to 1879, before the British market was open, the average price that was realized for our cattle in the United States was $20 a head. In 1874 we exported 36,000 sheep, and realized for them $724,000, and so on down the whole list, the price getting lower the whole time.

Hon. Mr. KAULBACH—Would free trade with the United States increase the value of our cattle ?

Hon. Mr. BOULTON—Free trade with the United States would not increase the value of our cattle trade. What I am pointing out is that during the first decade the export value of the animals we shipped was very small as compared to the value of the animals we are now shipping to Great Britain. In the one the value was $20 a head, and in the other the export value was $80 a head, according to our statistics, so that if we had not been able to ship our cattle to Great Britain the volume of exports would have shown a very great decrease, indeed. There is the same difference in value in regard to sheep, those sheep that we can ship to the

British market realizing a far higher price than those we send to the United States. Now we come to the export of petroleum. In 1885 we exported 337,000 gallons of petroleum, and in 1889 we only exported 235,000 gallons, showing a decrease in the export of petroleum in six years' time. The consumption of petroleum from 1879 to 1884 was 6,169,000 gallons of Canadian production, and 3,000,000 of American production. During the latter period of six years the consumption of petroleum of Canadian production increased to 9,000,000 gallons, and of American production to 5,000,000 gallons, valued in the year 1882 at $480,000, and in the year 1890, at $1,480,000. I wish to show a peculiarity about our coal oil trade. The consumption of American petroleum has increased quite as much as the consumption of Canadian petroleum. In the one case it increased from 6,000,000 to 9,000,000, and in the other, from 3,000,000 to 5,000,000. On that imported from the United States we paid a duty of $375,000, or 7 1-2 cents a gallon. The total production of our petroleum in Canada amounts to $1,084,000. That is the total production—the value of the industry to Canada is $1,084,000. In order to encourage expenditure in the production of that $1,084,000 in the country, we put a tax upon the people amounting to $375,000, and in addition to that, of course, would be whatever price might be added in consequence of the imposition of the 7 1-2 cents duty—probably it would add 3 cents duty all round on the coal oil consumed, so that, in other words, a duty is imposed of $600,000 on the people of Canada at large in order to encourage the development of an industry of no greater value than $1,084,000 to the country. If we as private individuals conducted our business on a basis of that kind we would soon go to the wall. The export of our iron is very much in the same direction. I will refer to that afterwards. The export of salt in 1876 amounted to 909,000 bushels, valued at $84-000, and in 1889 we only exported 8,557 bushels, valued at $2,390, a drop from nearly a million bushels to 8,000 or 9,000 bushels, so that the export of salt as an industry is now practically of no value to us. Then again, take our shipping, and everyone will allow that that is a very important industry, and also that it is an industry that we have always taken a great deal of pride in. We have always said that Canada stands very high as a marine power in the world, but what is our increase during the 23 years since Canada has become a nation ? In 1873 the registered tonnage was 6,783 vessels of 1,073,000 tons. The vessels in 1890 were 6,991, with a tonnage of 1,024,000 tons, an increase of about 200 vessels, but a decrease in the tonnage. Now, that is the result of 19 years of Canadian shipping life, with the ports of British Columbia added to the last year of reference. In 1873 the number of vessels almost equalled the number to-day, and the tonnage was greater in 1873 than it is to-day.

Hon. Mr. KAULBACH—But the steamers do five times as much work as was done then by sailing vessels. It is nearly all done by steamers now.

Hon. Mr. BOULTON—I presume that the steamers are doing more business, but the sailing vessels carry a great deal cheaper, and it is not a proud exhibit for us to make at any rate, and people with such a magnificent coast line and such facilities for ocean transport to have to put before the world that in nineteen years we have not increased our shipping more than that, we have decreased in tonnage and increased very little in the number of vessels, with vastly increased fishing industry. Then again, the export of iron ore in 1868 was 25,000 tons, and in 1889 the export was only 17,000 tons—in twenty-three years there has been a decrease of something like 11,000 tons in the export of iron ore. The export of our agricultural products, and the production of our fisheries since 1868 equals 40 p. c. of the total exports of the country, and I would just put this question to the House, and let any hon. gentleman state how far the tariff of this country helps either the fishery or agricultural industries. If it does not help those industries it is of no advantage to very nearly one half of the paying power of the people of Canada. Anything we can do to increase the paying power of those men who can make the most profit for the people of Canada out of the soil and out of the fisheries I say is the policy that we should pursue, and if we add lumber to these industries we cover the bulk of our exports. Two or three years ago the protective idea was strong. We conceived the idea of developing our iron industries, and we imposed a duty of $4 per ton on pig iron in order to encourage the develop-

ment of our iron industry in Nova Scotia and the Province of Quebec—I think there are a couple of blast furnaces in Quebec, with two blast furnaces in Nova Scotia. In 1889 we imported 89,000 tons of pig iron, valued at $2.50 per ton. The total value of the import was $1,220,000. On that we collected duties amounting to $357,000. We produced in consequence of the imposition of this duty 25,000 tons pig iron, which I see is valued in the statistics of last year at $500,000—that is the result of the labour that entered into the production of that pig iron was $500,000 gross turn over to the people of Canada, and in order to obtain that we put on a duty of $357,000. Now, the people of Canada at large pay that $357,000. Industries that perhaps want assistance by freeing them from duties are hampered in consequence of that duty on pig iron, and what for ? In order to produce a turn over of $500,000. Why, we could show that amount in almost one or two shipments of cattle from our farms, which want no protection at all beyond the reduction of the duties imposed in our tariff. Nova Scotia is an agricultural country, and can produce its output of animals just as easily as it can increase its output of coal. They can improve their breed ; they can buy cheap corn, and turn over twice the profit they can in the labour it takes to produce that pig iron.

Hon. Mr. KAULBACH—No.

Hon. Mr. BOULTON—Well, you raise apples in Nova Scotia and you can produce apples and other agricultural products of the farm which can take the place of coal so far as duties are concerned. In addition to the duty of $357,000 we increase the price of pig iron, because there is $4 a ton on the iron produced in the country.

Hon. Mr. POWER—The hon. gentleman is leaving out of sight the fact that there is a bounty of $2 per ton on the pig iron produced here.

Hon. Mr. BOULTON—In addition to the duty ? That is not mentioned in the Statistical Abstract.

Hon. Mr. POWER—It is a fact, though.

Hon. Mr. BOULTON—The pig iron that comes into the country is subject to a duty of $4 per ton, and there is a bounty of $2 per ton on the iron produced in the country besides —in other words, the people of Canada are paying nearly $600,000 duty in order to produce a turn over of $500,000 worth of labour. That is a short way of putting it, so far as the imposition of those iron duties are concerned. With regard to our petroleum, I have before stated the facts, which are simple. These are two things belonging to our mines that we have imposed a duty for the purpose of producing and developing, and I have shown the extent of their development and cost of production. Now the value of our lubricating and other oils in Canada is $320,000, and altogether there is a duty imposed on oils imported into the country of $585,000. Before I leave the question of pig iron and coal I would call the attention of this hon. House to the reciprocity negotiations that have been mooted with regard to the assistance to be given to these industries by reciprocal trade with the United States, and I will show you what has been done in the southern States—a new country being opened up. I want to show you what competition we will have to meet in entering that market. In the South in 1880 there was 290,000 tons, and in 1890 there was 1,684,000 tons of pig iron produced. Of the 89,000 tons of pig iron that we imported into Canada, the United States sent us 23,000 tons, in the face of $4 a ton duty and $2 a ton bounty, so that if the United States can send us that much pig iron under such circumstances what can we expect to gain by admission to the markets of the United States ? Our industries would have to meet with competition which they cannot now successfully encounter with even $6 a ton in their favour. The same with regard to coal. The output of coal in the South in 1880 was 3,820,000 tons ; in 1890 it had increased to 17,000,000 tons. Now there is the competition the people of Nova Scotia have to meet with when they look to the markets of the United States to encourage their coal industry. In the United States altogether the output of coal was 36,000,000 tons, at a cost of 70 cents per ton at the pit's mouth. The people of Nova Scotia have to come down to these prices before they can compete with the vast industries, the vast organizations and the vast machinery ready there to put out this enormous amount of coal.

Hon. Mr. KAULBACH—That is the reason why you would shut up our coal mines ?

Hon. Mr. BOULTON—No ; I will tell you what to do with your coal mines : adopt free

trade, which will bring the manufacturers where they can get cheap steam power and cheap ocean transport to the world's markets. Then you can increase you population ; but you cannot do it as long as you have heavy duties pressing on the industries that are endeavouring to get an honest growth, and which are indigenous to the country. With regard to the estimate of pine standing in the South, to say nothing of tamarac, spruce and other timber, the statistics give the quantity as 229,000,000,000 feet. Now there is the competition we have to meet when we try to get into the markets of the United States with our lumber. What has been the effect of reducing the duty on lumber from $2 to $1 per thousand ? The only effect between 1889 and 1890, the year that the duty was reduced, is a decrease in the export of our lumber to the United States. There is a reduction of $1,000,000 in the export in the face of a reduction of 50 per cent. in the duty, so you will see that it is a fallacy to suppose a reciprocity treaty would increase our trade in that directon in face of such tremendous competition and such vast resources as what we would meet in the United States, but in the same year that our export of lumber fell in the United States it increased to Great Britain four million dollars. The increase of capital employed in the southern States, from 1880 to 1890, was two thousand three hundred and thirty-nine millions of dollars. That is the estimate of the increase of capital invested in the development of the southern States. Of that capital 25 per cent. came from England, or something like six hundred millions of dollars. These figures I have taken from American sources and I have no reason to suppose they are incorrect. They are for the information of the people of the United States themselves, and we may assume they are reasonably correct. What I wish to point out is that 25 per cent. of the capital that is engaged in developing the resources of the southern States is put down as coming from Great Britain. What we want in this country is capital to develop our resources. If we adopt a trade policy similar to that which the people of Great Britain regard as wise and advantageous it is quite possible they will be as ready to invest their capital here as they have been to invest it in the southern States, but so long as we maintain an attitude of hostility to them in their commercial life, as they look at it—a policy different from that which they consider wise—so long will they keep their capital away from Canada. I believe that there is ample capital there to develop our resources if we will only furnish proper facilities to have it invested here.

Hon. Mr. KAULBACH — My hon. friend cannot be in favour of reciprocity with the United States.

Hon. Mr. BOULTON—No ; I have never been in favour of reciprocity with the United States, partial or unrestricted. I have said that time and again through the public press. Now I come down to our liabilities and expenditures. Our net debt has increased in round numbers since 1878 by one hundred million dollars. The interest that we used to pay in 1878 was $6,443,000. In 1890 the interest that we paid was $8,574,000, an increase of $2,150,000. Then the taxation through Customs and Excise averaged from 1874 to 1880 $18,904,000, while from 1881 to 1890 it was $27,000,000 a year, an increase of about eighteen millions of dollars a year net over the first period.

Hon. Mr. KAULBACH—About 1 1-2 cent per capita.

Hon. Mr. BOULTON—It is an increase of eight millions over and above what we were paying in the first decade. The hon. gentleman will keep in view what I am trying to show—that our burdens are heavier while our ability to pay them is less than in the first period.

Hon. Mr. KAULBACH — One and a half cents per capita is not much.

Hon. Mr. BOULTON — It does not matter what is it. We should adopt the policy which would increase our ability to bear such a burden. Our debt for railways has increased to $280,000,000 in the past ten years. Now, hon. gentlemen know perfectly well that the interest on that debt has to be made out of the trade and traffic of the country. It has to be taken out of the prices of our wheat and cattle and products of the country. I will say this for the Canadian Pacific Railway, that the ability and enterprise that they show in their management in drawing foreign trade and traffic to their line are assisting the country to bear the burden very largely, and it is to our interest to back up the Canadian Pacific Railway in that respect as far as we can. Nevertheless, the debt is ours, the endorsation is ours on the paper, and we have

to stand honestly by any legislation that we have put forth in order to create that debt. We must maintain our credit in an honourable and straightforward manner, as we always have done in any of our financial public transactions. But it is an item I put down here in order to show what we have to bear. Then the loans, according to the statistical return by loan companies in 1878—only twelve years ago—was $15,469,823, and in 1889 they increased to $102,091,907. These loans are mostly to farmers. What have they increased to to-day? They have increased to $102,000,000, or an increase of nearly $90,000,000, that the farmers owe to capitalists outside of Canada, the interest upon which is to be estimated, and probably amounts to something like 5 or 6 per cent., and in many cases 7 or 8 per cent. The interest on that $90,000,000 is just as much a debt on the people of Canada as the $100,000,000 that the Government owe, and unfortunately the chief burden of that debt is laid on the farming community—that portion of the community least able to bear it under the policy we are now pursuing. There are $100,000,000 of a public debt, $100,000,000 of loans, and $280,000,000 of a debt for railway bonds, making altogether $480,000,000 of an increase in the public burden since the National Policy was imposed; and in addition to that, in the encouragement of our railway communication we have disposed of 50,000,000 acres of land into private hands, or rather into the hands of railway corporations, which, valued at $2 an acre, is another $100,000,000, which will have to pay the interest when the people come to occupy these lands, and purchase them if they get them at that price; so that that is a fair charge to put down to the cost of the developing of our country in the last 10 years. I am not complaining of the cost, not at all, because I thoroughly believe that the value of the railway, no matter what it cost, is inestimable—that it is contiguous to our towns and our cities, and to every home in the country, and it is going to draw trade, and give us facilities to develop our wealth and resources, that nothing else we could have built or could have expended money for would have done in the same way. But, hon. gentlemen, when we come to figure up what things have cost us we want to know how we are going to pay it, and who is going to pay the debt—how it is to be met if we do not accomplish more in the next 10 years than we have done in the past decade. An American writer says, and the American people are one and all practical business men: "To be prosperous a country must be fat with a surplus. It must make or grow more than it can consume. It must not only have products to sell, but must be able to sell them on terms that will enable it to compete successfully with its commercial rivals, and the degree of its prosperity will depend largely upon the amount of its sales." Now, that is a sound proposition, and the only thing that we have to meet this increased debt with is the exports that we send out of our country, and as I think I have shown you our exports per head of the population, as it stands to-day, have not increased over what they were between 1868 and 1880, with something like $580,000,000 more liability that we have to pay. That is a position, in my mind, sufficiently grave to warrant us in looking into and taking stock, and seeing if we cannot institute another policy that will make any better showing in the next decade than we have had in the past. The North-West Territories are quite capable of putting out $100,000,000 a year in agricultural products without any trouble, and without any degree of doubt. All that they want there is labour and capital. With transportation facilities, labour and capital, we can send out $100,000,000 from the North-West in agricultural products alone. The people in eastern Canada can increase their agricultural products. The Province of Quebec can compete with Denmark in sending butter to the English market, and in earning something of that $25,000,000 a year that the people of Denmark are now earning in the markets of Great Britain. No better facilities exist in Denmark than exist in the Province of Quebec for the dairying interest, but in order to encourage the development of dairying interest, and of agricultural interests, which are indigenous to the country and to the people, you have to shape your policy so as to make the facilities better for agricultural operations than those which exist to-day.

Hon. Mr. KAULBACH—Is Denmark a free trade country?

Hon. Mr. BOULTON—I do not know. I cannot speak the language. I have put these facts before this hon. House, and we have

certain deductions that we can draw from them; and what are the deductions we can draw from the comparison of statistics I here put before you? First of all, the deduction we can draw is that our exports have not increased, notwithstanding the large area of virgin soil that has been made available, because I can point out to you that since 1880 the Province of Manitoba and the North-West Territories have been brought into being an exporting country, which they were not up to 1880. I can point out to you that this year alone we are exporting from Manitoba in wheat 20,000,000 of bushels that we are sending down through Ontario to find an export for it. A great deal of it will probably be manufactured in Ontario and served to people of Ontario, and their wheat will go forward to replace it; $20,000,000 worth of it goes from Manitoba this year alone, to say nothing of our other exports, so that that will give you an idea of the resources that have been added to the country since 1880, and the comparison that we are drawing between the period prior to 1880 and the present day. On the basis of population our exports have rather decreased, and in some of our provinces the population has not increased at all, and over the whole country our population has barely maintained a natural increase. A healthy, moral country like Canada has barely maintained a natural increase in population, and, I believe, in Nova Scotia hardly any increase at all, and in New Brunswick a perfect standstill, and in Prince Edward Island also a perfect standstill. The statement has been made, I believe, that over the whole country barely a natural increase has been maintained. Another deduction that I think is fair to draw is: that internal trade has not been profitable, for while the people have had a large price to pay for the commodities they require by the increase in duties, the net trade as represented by exports has not increased. We all know perfectly well that the farmer requires many things that are not the products of his farm for home use. He has his store bill to pay, and he has to earn that out of what he exports from the farm, and if he is not exporting more from his farm one year than another he is not increasing in prosperity. If a store-keeper is not selling more goods one year than another he is not increasing his business; if the manufacturer is at a standstill he is not increasing in prosperity, or the prosperity of the country. I have quoted statistics with regad to manufactories, mines and other industries, to show that they have not increased, and what is the natural deduction from that? That the prosperity of labourers and artisans who are dependent upon those industries has not advanced, and therefore that the internal trade has not been profitable, and that the increase of revenue that I have quoted to you has been derived rather from the abnormal condition of affairs during the past year—the enormous amount of capital that was imported into the country to construct railways and public works. It was the importation of that capital, the expenditure of that capital, and the sending of it abroad again to purchase imports, that has very largely increased the trade of the country and not the prosperity of the people themselves. In other words, the National Policy has paid the Government, but it has not paid the people. The next point that I wish to discuss is the question of reciprocity. That is taken as a panacea by both political parties for the ills that I have been putting before this House. The Government of Canada has gone twice to the United States, and has offered the United States half the trade of the Dominion; the leader of the Opposition, and the party that supports him, as a panacea for those ills, have offered the United States the whole of the trade of the Dominion. That is the only difference I can see in the trade policy of our two political parties. The trade of the country is to be knocked on the head by the Government, and the National Policy is to be altogether knocked on the head by the Opposition, and we are to come altogether under the policy of the United States in trade matters. Now, what has the United States ever done for Canada, as far as trade is concerned? In 1864 they abolished the Reciprocity Treaty that they then had; in 1873 they abrogated the Washington Treaty, and when we desired to renew that treaty, and negotiated a first treaty with the Government of the United States, it was thrown out by the United States Senate. That is the way we have been met by the Governments of the United States, so far as treaties are concerned. In the face of that experience, our Government went to Washington last year and came back without any information, or without any negotiations at all. Again, they have gone, apparently, so far as the Speech of His Excellency, now before us, gives us

information, with the same result. Now, the only advantage that I see that has been gained from these negotiations, and from these visits, is this : the declaration that has been put forth by the United States Government through their reciprocity commissioner, Mr. Foster, that if we want to get a reciprocity treaty with them we have got to declare our protection proclivities—if we show the slightest sign of free trade in any shape or form we cannot have any reciprocity with the United States. We have got to come under the system of monopoly that I have been complaining of, and which has grown to such large proportions in the United States. We have to come under that, and adopt a protective system if we want reciprocity, and we have got to throw off the security afforded by, and throw off from this continent the power and influence in trade matter of Great Britain. These are the two things that have been put before us, and I say, so far as eliciting that information is concerned, the visit that the Government has paid during the last year has made that apparent to the people of Canada, and to that extent it is an advantage, but beyond that I do not think we have gained any advantage at all. Before the people of Canada would consider for one moment the throwing off of the allegiance to Great Britain—the throwing off of the commercial ideas of the English people, which is free trade—before they will abandon that—before they will abandon the advantages that the commerce of Canada receives by being protected on the high seas —without throwing away from themselves the advantage that the organization all over the world of the British consulates and its ambassadors, and the treaty negotiations their markets secure, they will ask themselves what advantages have the United States to offer in comparison ? It is a mistake for the people of the United States to think that we are bound down by any oppressive ties. We are as free as the air. The State of New York possesses sovereign rights in the Great Republic, but not nearly such sovereign rights as the people of Canada possess within the limits of the British Empire. But, hon. gentlemen, if we want to improve our position so far as the British market is concerned, if we want to improve our relations with Great Britain we must show that we appreciate the commercial features of their system by adopting a different policy from what we have been acting under during the last ten years. We want to show the people of Great Britain that we have a country, and have resources, and that we are prepared to endeavour to develop those resources upon the same lines that they themselves have developed their mineral wealth and power so eminently successfully, and we will enlist their capital to assist us. We have in Nova Scotia a province situated similarly to the British islands across the Atlantic—the same coal and iron, the same shipping facilities, the same sea-girt shores and harbours, and if we adopt a policy that will enable the people of Nova Scotia to utilize these resources upon the same terms as have developed the manufacturing power of Great Britain, British capital will go there I believe, and those resources will be developed—the wealth of Canada will be increased. We have the same advantages in the Province of Quebec—we have the same advantages in Ontario. We have our inland navigation, which is second to none in the world. Our ports in the Provinces of Ontario and Quebec possess all the advantages of cheap transport, and our chief towns all within easy access. What we want to do is to develop that line of communication, to increase the shipping that utilizes that navigation, and how can that be done ? By developing the great North-West Territories ; by pouring down from the vast prairie country the grain that we are capable of growing there, and in order to make it profitable to the people of the North-West to grow wheat they must be permitted to buy in the cheapest market and they must have cheap transportation facilities, and that cannot be had unless the ships have return cargoes to cheapen the cost of taking the wheat across to its natural market, and the only way to develop these return freights is to open our markets to the people of England and take from them all that they can furnish us with, whether in iron, cotton or anything that they have to give us in return for our produce, and thus increase our shipping facilities and the profits of the producers in the North-West. And if the people of the United States, in their competition with Great Britain, can furnish anything to us cheaper than we can furnsh it ourselves under a free trade policy take it from them and we will be the gainers as a people, and those industries depending upon the markets of the

world for their source of profit will be the gainers, and our wealth will increase. The income of a friend of mine in London last year, who is engaged in trade, was £100,000 The profits of the firm of which he was a fourth partner, were £400,000, made out of a trade that draws its raw material from all parts of the world, and ships the product of its industry to all parts of the world, and re-distributes his capital again to all parts of the world. Canadians have quite ability enough, have quite enterprise enough, and have ample facilities to compete for a share in such a trade if the conditions are made equal. In bringing about such a policy some enterprises may suffer for a time, but not nearly so much as they would suffer from a commercial disturbance from over trading in a restricted market, a disturbance of which signs were not wanting of late, but which by the bounties of Providence in the magnificent crop of last year has been averted. And small interests cannot be considered where the body of the people are concerned. When the Corporation of the City of Ottawa gave a charter to the electric railway, did they consider the poor cabmen, who were injured and their investment destroyed ? No. The result is that the people now get a drive for five cents where they had to pay fifty before, and those cabmen who are forced out will turn their labour into just as profitable a channel in some other direction. I have lived in the North-West for thirteen years. I have seen the country grow up, and the profit that remains to the farmer in Manitoba at the present moment in the face of the difficulties he has to contend with is very small indeed, and in many cases discourages him altogether ; they have difficulties to contend with in building up their country. The prosperity of that country depends entirely on agriculture and on the furnishing of transportation facilities and an ample storage for the produce that can only find an outlet in the winter season. If you want to assist them in increasing the exportations of the country during the next ten years, give better facilities, give better protection to our agricultural population, and you will see an increase of 100 million—yes, 200 millions—of dollars of agricultural products going out of that country ; and our petroleum beds and our mines, and our manufactures will flourish alongside of our agriculturists without any nursing. It is for the people of Manitoba, of course, that I am speaking. That is where I come from, and I am speaking on their behalf when I put before you what I believe is a false policy, so far as our agriculture is concerned, and when I see our Government going to Washington to negotiate a treaty to throw up one half of the trade of the country, what does it mean so far as agriculture is concerned ? It means that we say to the people of the United States : we will throw the market for the agriculture of the country open to your competition while maintaining the burdens we are already complaining of on the farmers of the country. If it means anything it means that. On the other hand, unrestricted reciprocity means that we are only going to burden ourselves with a higher tariff and with monopolies over which we have no control. We have a national policy in the country at the present moment, and our constitution, which is an elastic one—a more elastic one than the people of the United States enjoy—can throw off at any time by one election if they think they are being burdened by monopolies ; but if we place ourselves in the power of the protective duties of the United States, and of the monopolies of the United States, we will sell ourselves for a mess of pottage, and may find ourselves badly beaten in doing so. The people of the United States value their markets of sixty millions very highly. They think their market of sixty millions is so valuable that the people of Canada are quite ready to come and to take advantage of it. Now, hon. gentlemen, sixty millions of a market is a very valuable market, provided it is not a restricted one, but as it is a restrictive market they are trying to overcome that restriction by paying special attention to reciprocity treaties. What is the purpose of the reciprocity treaties of the United States under the McKinley Bill ? To draw sugar from the West Indies, from the Spanish Isles, from South America, from Honolulu and all other countries to their restricted market and let them compete with one another in that restricted market for the sale of sugar. Everybody knows what the effect of that is. It must soon have the effect of reducing the prices very largely, and making it unprofitable for those who negotiate those treaties with the United States. If it were a policy of free trade that they were following it would be a different thing. I would call the hon. gentleman's attention to this fact, so far as our exports are con-

cerned—that during the latter part of the decade I have dealt with—between 1873 and 1878—a panic occurred in the United States, one of the worst that ever struck a country. The value of everything fell from one dollar to twenty-five cents, and a similar drop occurred in the trades in Canada which found a market there. Many hon. gentlemen here will recollect the number of trades that were affected, and you know it brought down one lumber firm after another in Canada. The lumbermen struggled for two or three years before they succumbed. They did not give way and become wiped out as lumbering industries until about 1876, 1877 or 1878. Our trade with Great Britain was not affected very much for the first two or three years after that panic, because the trade of Great Britain is carried on with the world, and they did not feel the effect of the American panic until the world began to feel it, and that was not until 1877 or 1878. It was in 1878 that the people of Canada began to feel not only the effect of the depression in the United States, but also the effect of the depression in Great Britain—the two large markets in which they sold their produce. When the effect of the depression was felt in both countries then the people of Canada began to feel the burden. Mr. Mackenzie was in power at the time, and in the general election of 1878 Sir John Macdonald was returned to power because the people of Canada thought that the Dominion was being made a slaughter market. They felt that their trade was going—they did not know what was the matter. What was really the matter was that they were feeling the effect of the panic of 1873, both in the markets of Great Britain and the markets of the United States, and that had a great deal to do with the lessening of our importations, and the reduction of prices, and the failure of our revenue. Taking that fact into consideration, if that panic had not occurred our exports would have been larger still during the last decade. The reply of the American Government to our reciprocity negotiations is, "Fix your eyes on a policy of protection and cut yourselves adrift from the trade policy of England." Now, so far as a market of sixty millions is concerned, I would draw the attention of this hon. House to Russia again. There is a restricted market of one hundred and four millions of people, and considering their area, considering their resources, considering their contiguity to the teeming populations of European Asia, it is a poor market. It is of no great advantage to get into the Russian market, so far as reciprocity is concerned, because it is a restricted market. As long as the population of the United States continues to increase—as long as they are pushing on their sixty millions to one hundred millions—which I hope and trust they will become—the market must be of some value, but the day must come when the restriction of trade in the United States will have a very serious effect, and when the blow does fall it will affect the people of Canada to the extent that we have trade with them. The Free Trade League in Europe shows the disposition there is there to increase their trade relations. They have not had the hardihood to adopt the free trade policy of Great Britain, but several nations have united together to try what that policy will do for them. To my mind that is only a temporary measure of relief. Now, the next point that I wish to discuss is the proposition of Sir Charles Tupper in the "North American Review." Our High Commissioner has made a proposition to the people of Great Britain with regard to Imperial Federation, and a plan for carrying it out. His idea is that the people of Great Britain shall tax themselves to the extent of five shillings a quarter on all the grain that they import from foreign countries. I looked through his argument and could not find anywhere in the article where he proposed to give a *quid pro quo* for that—where he proposed to give any return for such a concession on the part of the people of Great Britain. I looked to see where he proposed any remission of duties, but no mention of anything of the kind is made. He dwelt on the value of developing Canada and holding the Empire together, and considered it was worth five shillings a quarter on every bushel of wheat going into Great Britain from foreign countries. That is what I call asking the English labourer to hold up the heavy end of the log. Now, Canadians do not want anyone to hold up the heavy end of the log. That is not the class of men I have been mixed up with, or have met in Canada. They can hold up their end of the log as well as anybody, and to ask the British people to put on a tax of twenty millions of dollars a year on their food—to impose such a tax on the struggling labourers who are

furnishing us with an excellent market—is making an unreasonable demand. After calculating all that Australia, Canada and India can supply I find that Sir Charles Tupper's proposition involves a tax of twenty millions of dollars a year on the labouring classes of Great Britain for the wheat and flour they have to import. It would be a most unwise policy on their part, and they have not the slightest intention of doing it. Another point is that a great many people think that agriculture in England is being depressed, that it is in a terribly bad state. That is a mistake, because I see that the Right Honourable Mr. Gladstone has lately said that the agricultural labourers' wages have increased from ten shillings to fifteen shillings a week in the last few years. Now, if the wages of the men employed in agriculture in England can be increased to that extent, I say that the industry is not at a low ebb in Great Britain. I know that one of the agricultural delegates who came out to this country last year on the invitation of the Hon. Mr. Carling, visited Binscarth farm, in Manitoba, a farm admirably managed. He said to me: "This is very good; this stock is excellent; everything is done in first-class farming style, but I want to see your books. How is your balance sheet? Is it on the right side? I have a farm in England about the size of this—a farm of 300 acres—and after paying all my expenses and labourers' wages I have an income of three hundred pounds a year." Now, if a farm in England can do that I say that farming in that country is not declining as compared with farming in Canada and that it is unnecessary for the people of England to put on a duty in order to protect their farmers, so far as grain is concerned, and the sooner we give up any idea that that can be brought about the better for us. We should apply ourselves to a trade policy apart from that altogether. What do we see going on to the south of the line? We see a great fight, something similar to the discussion which has taken place here between those who are anxious to promote free trade pure and simple and those who favour a policy of protection. Mr. Mills, who was a candidate for Speaker by a wing of the Democratic party this year, says "Free trade is the flag that I will follow and will follow wherever it goes." That is the declaration of an hon. member of Congress of the United States—the man who was a candidate for the position of Speaker in the Democratic House. His frankness probably injured his chances, but he had the courage of his convictions. So you see we may get reciprocity with the United States upon a free trade basis without asking for it at all. What position will we be in if we continue our present commercial policy if the people of the United States should adopt a free trade policy? We will be overcome, and they will be strong, but if we adopt a policy of free trade at the present moment, in ten or fifteen years time we will be able to meet the United States with the markets we have been developing for ourselves in the world and hold our own with them. I believe the policy of free trade is just as sure to be adopted by the people in the United States as that the sun goes down, but it is a hard fight—a much harder fight than we will have in order to change our policy. They have their three legislative bodies to capture—the people have to capture and change opinion in the House of Representatives, in the Senate and in the election of their president. So you see they have a greater fight and harder work to accomplish their result than we have here, when one election and one vote on the part of the people can effect any change that the people of the country think it desirable to make. In that respect our constitution ranks high as compared with the constitution of the United States, a fact for which we have great reason to be thankful. Now, what is the remedy, so far as I am able to advocate it in my humble way? We have first to put our best customers on an equality with our poorest customers, and I wish to show you what our trade is with the United States as compared with our trade with Great Britain. In 1890 our imports from the United States amounted to sixty millions of dollars and from the United Kingdom to only forty-three millions of dollars. Of the sixty millions' worth of goods that we imported from the United States we admitted twenty-one millions of dollars worth absolutely free—cotton, wool, tobacco, hides and coal. Of the $43,000,000 worth of goods that we imported from the United Kingdom we admitted only $10,000,000 worth free, composed chiefly of tea, hemp, iron and steel rails, thoroughbred stock, etc. We imported dutiable goods from the United States to the value of $39,000,000, and dutiable goods from the United Kingdom to the value of $33,000,000. Now our exports the same year were to the United States $33,000,000, and to the United Kingdom $41,000,000.

Now you see how the balance of trade is. We bought less from Great Britain, though they purchased more from us ; and we bought more from the United States, though they purchased less from us. Now how were the duties levied ? The duties on the $39,000,000 imports from the United States, were only $8,100,000, while the duties on the $33,000,000 imports from the United Kingdom, amount to $9,500,000.

Hon. Mr. KAULBACH—One was raw material and the other was manufactured goods.

Hon. Mr. BOULTON—No ; because I have taken off all the raw material. This is what I called dutiable goods. We purchased from the people of Great Britain $33,000,000 worth of dutiable goods, and from the people of the United States $39,000,000 worth of dutiable goods, and on the larger amount we levied $8,100,000 taxation, and on the smaller amount we levied $9,500,000 taxation. That is what I call discriminating against our best market. We not only discriminated against our best market but against the one that gives us the best price for anything we have to sell. To equalise the duty between England and the United States, instead of levying duty upon the people of Great Britain—because after all the dutiable goods we purchase are the product of British labour—it would be just and honest, or business-like I think is the more proper way of putting it, to reduce that duty down to $6,700,000, even though we did not adopt anything like a free trade policy. In our own interests we should not tax our best customers adversely, as compared with the people who are competitors with us for all we have to sell.

Hon. Mr. KAULBACH—How would you prevent that ?

Hon. Mr. BOULTON.—By knocking off duties right square straight from every one of them. That is my remedy, and let the revenue come through the increased purchasing power of the people.

Hon. Mr. KAULBACH—On what ?

Hon. Mr. BOULTON—Of course I would not reduce the revenue on spirits, tobacco or luxuries.

Hon. Mr. KAULBACH—Silks and satins would come from England.

Hon. Mr. BOULTON—There is no discriminating about that. What I say is that if you increase the prosperity of the people you will increase their ability to pay, and it does not make any difference how you levy it as long as they are able to pay it. The question now is whether the people are able to pay the increased revenue that is expected under our present policy. It is drawn from them, whether they will or not—when they want an agricultural implement they have got to pay a certain amount of duty, and if they want a woollen undershirt they have got to pay a certain amount of duty on it, or if they want a piece of cotton goods they have got to pay duty on it, and in that way the revenue is drawn from them imperceptibly, and what I am proving to you with the large increase of taxation under the National Policy, the exporting power of the people not having increased, they are not able to pay that taxation. But if you put them into a better position, so as to allow those industries that are natural to the country to develop themselves with the aid of increased capital and increased facilities, you increase the power of the people at large to pay whatever taxes you levy on the country in order to increase its transport facilities, and subsidize lines of vessels to Australia, or Japan, or anywhere you like ; but you cannot do it if the same result, or perhaps a poorer result, is to be found ten years hence, than that I have shown you to-day. That is the position I take, hon. gentlemen, and the remedy I say is to remove certain duties. We collect on woollen goods coming from Great Britain ten millions of dollars, and no other country supplies us with that class of manufactures. What I say is knock off every dollar of them —not all at once, but do it gradually. Knock off 25 per cent. one year and 25 per cent. another year, and so on, until they are all removed. Of course, you have on the other hand to consider our own woollen industries. Give them advantages by knocking off the duty on coal, or knocking off some duty that will be of advantage to them to counterbalance the increased competition that they are to have ; but give them the same advantages, and the same power to manufacture as the people of Great Britain have, and why cannot they increase the trade in woollen goods and draw from the outside world, and not depend for their support on the people of Canada ? We can send our ships to Australia, to the Cape of Good Hope, and to every port that is open to Great Britain, without

any cost for the protection of that commerce, and the British labourer is paying for it. Why cannot we compete with them if the conditi ns are equal ? It is bcause we are not close to the ocean ? Is it because in Nova Scotia we have not got steam power ? Is it that we have not got in the heart of Canada the finest of water powers ? Is it that in British Columbia we have not got steam power ? Is it not the fact that we Canadians command the trade of the Pacific Ocean, and our share of the commerce that is to be developed there. I say, hon. gentlemen, pursue the same policy that has made great the people of Great Britain—show the same pluck that they have shown in the development of their industries—show the same dogged faith in their policy against the example of the whole world, that has adopted the protective system, and the same results will follow that has fallen to the people of Great Britain. The duty on iron is $3,000,000 a year. One-half of that comes from the United States and one-half from England. The duty on coal is $850,000. It comes altogether from the United States. The duty on cotton is $1,100,000, which chiefly comes from the United Kingdom. I have put down three or four items to show you how the duty is levied, and what would be best to modify, in order to develop the trade of the country and reduce the burdens on the people of Canada. There is another point that I would like to refer to : Mr. Shaughnessy, of the Canadian Pacific Railway, recently paid a visit to Japan, and on his return we saw him in Winnipeg as he passed through Manitoba, and what was his report ? He said there was the finest opening for trade in China and Japan that he had ever seen—in fact, that it astounded him beyond anything he had ever seen. He said that the people of these countries were just awakening to the civilization of the world—that they were developing their industries, constructing railways and were anxious to develop trade ; that they were anxious to eat bread and to adopt western habits more than in any other period of their history. There is a trade which is natural to Canada. There is a trade which is in line with every industry we develop in Canada, with a railroad of our own and steamships ready to carry it, and we are indebted to the management of the Canadian Pacific Railway for the report of Mr. Shaughnessy brought back with him. What will help that trade ? Is it protection ? Protection will mar it. Protection will keep it back, because our people cannot manufacture produce alongside of other countries that possess greater natural advantages and more favourable climatic conditions. If our rugged climate under a more liberal trade policy, will not produce the physical power to compete, and the will to use it, we will go to the wall. But I say there is a trade that can be developed to an unlimited extent, and we have the facilities and resources to do it with, all that is necessary to be done is to leave to individual energy of every man in Canada to develop what is natural to his district or his resources or his powers. Our railways I consider should be subjected to a fair business competition, such as the people themselves are subjected to. Every man in Canada has to undergo the severest competition to earn his living, whether on the farm or in the factory, or in the workshop, and especially in the North-West, should our railways be subjected to competition. No monoply or anything of that kind should be allowed to exist. In the North-West Territories we have very long railway transportation before we can find a market for our produce. Where I reside is some 800 miles from any port, therefore anything I produce has to pay transportation for 800 miles. Other people live further still—some live 1,300 miles from any seaport—and anything that they produce has to pay railway transportation that distance ; therefore I say it is most essential that in all our railway legislation we should have the railways subjected to fair business competition, the same as any other trades or business in the country. In assisting our railways—for we have to go on assisting them—we have to increase the transportation of the country, for it is an enormous country, and it will pay to develop it, but I do not think it is wise for us to continue assisting railways by subsidies. I think that economy can be introduced there by reducing the expenditure on subsidies. But I think there are other ways of assisting railways without paying money out of the treasury to do it. We do not want to cry a halt. That is not the way of any man of enterprise to get on in the world. We want to go ahead, and have faith in our country, but we ought to use the greatest wisdom in the way of doing it.

Hon. Mr. KAULBACH—How would you assist railways without subsidies ?

Hon. Mr. BOULTON — By endorsing their bonds and taking security on the road and making the railways pay to the country something every year for the privilege of having the transportation. We might produce a revenue out of the transportation of the country amounting to a very handsome sum in the future—a revenue paid by the railways for the privilege of sharing in our carrying trade.

Hon. Mr. FLINT — And they would put that money out to the freight and passengers.

Hon. Mr. BOULTON — I want to see any concessions that are made to assist transportation to be for the benefit of the community at large, and not to go to increase the wealth of a few individuals. It is a great object to keep down the interest that has to go out annually to meet the obligations of capital in the construction of railways, and if a railway corporation can assure the Government against loss it is justifiable to lend the country's credit. Where capital has to take all the chances the cost of building is vastly increased. One hundred million dollars—the increase of our debt during the past ten years—would build 5,000 miles of railway if judiciously applied, without adding to the burden of the people a dollar. It is on that line that I would assist the development of our highways. The system of making railways pay something out of their revenues to the Government has been found to work well in the State of Minnesota. I do not know what revenue that State derives from its railways, but I know it is a very large one, and I do not think the people complain of it. There is one thing I can assure my old and hon. friend, that the railways all take as much as the people can bear in charging their rates. I am not an enemy of the railways. There is no firmer friend of the railways in the country than I am. I want to see them prosper, so that capital will come to the country and build more railways, for I realize that the country is worth nothing unless we have abundant railway transportation to go through it, but I want to keep them in their proper business place in the community. I think that the lands that go into the hands of the railway corporations should be made more available for occupation than they are at the present moment. The Government, in making any arrangements with railway companies, should make such arrangements as will put the odd numbered sections open to every man, fixing a price at which they can be had—that there should be no restriction placed on a man travelling over the land in his selection—that he should have the power to go on these unoccupied lands and occupy them the same as a homestead, under certain conditions of payment which could be arranged. In that way the settlements of the country would go on much faster. People would have greater confidence in settling than they have at present. I had to express my regret when I saw notices put up warning people not to go on to odd numbered sections in Manitoba by the Minister of the Interior—that they had no right or title to them. I think it is an unwise policy, for there are many people who will go on to those lands and take their risk of securing them afterwards, and a railway corporation may come after and oust them. I think wherever there is a section of land open, belonging to the Government or to a railway company, it should be open to the public. I think they should be paid for, but that no restriction should be placed on their choice. There is another improvement I think we could make to assist us in our commercial relations, and that is, the time has come that it will be advisable for the Government to consider the policy of taking possession of the telegraph lines. The organization of the Post Office Department of Canada is an excellent one, and the additional burden put upon it would not be a very great one, and it would be an advantage to the people to have control of the lines themselves. It is a subject well worthy the consideration of the Government. In a debate on the Address it is the privilege of a member to extend his remarks to any range that he chooses ; that is why I have spoken at such length on this occasion, and have taken advantage of that privilege of saying what I have to say, so far as my belief in what is good for the people of Canada, and pending the future discussion of our trade relations. Hon. gentlemen will have the facts and figures I have produced before them. Now, hon. gentlemen, I am aware that I have taken a departure in our commercial policy different from anything that we advanced for some years. The Hon. Alexander Mackenzie, who is not long to remain with us, is the apostle of free trade in Canada ; he fell at his post in defence of his principles, and for that he has earned the respect of the

people of Canada. While the intervening commercial policy, however false in principle, has served a valuable purpose to the people of Canada, the day has come when we must look things squarely in the face. The Government of the United States has given us their ultimatum on the question of reciprocity through the utterances of Secretary Foster, which I do not think any man in Canada will accept, be he Conservative or be he Liberal, the fact that the protective policy has imposed upon the principal sources of industry in Canada burdens that are checking their legitimate growth, and which the comparison in the exporting power of Canada to-day, that I have instituted with the exporting power of the people when they were numerically fewer in numbers, when their transportation facilities were immeasurably inferior, when the great territories and province to the west of us were not in the count, and when their liabilities were not half what they were to-day, will cause financial men and commercial men to ponder well upon the advisability of adopting the only alternative in our fiscal policy that will give the opportunity to labour and industry to raise Canada in our estimation, and in the estimation of our neighbours, by showing that pluck and self-reliance that will enable them to depend upon the competitive markets of the world for their sustenance and enrichment. I will not move any amendment to this Address, but I will take an early opportunity of presenting a resolution seeking to recommend a readjustment of our tariff—not a readjustment to destroy the investments our past policy has induced, but to strengthen them—such a readjustment as will work eventually into absolute freedom of trade, giving to individual energy the freest scope for its ability in the industry of the country which is natural to our climate, resources and channels of commerce, and such a readjustment as will put our best customers upon an equal footing in our trade arrangements, in the duties we may find it necessary to levy to meet our obligations, such a readjustment as will draw to our ports a carrying power that will enable us to export our heavy produce to the markets of Europe at the lowest cost, and such a readjustment as will enable us to cheapen the cost of production, so that we can successfully compete in the more extended markets that the world offers.

Hon. Mr. ABBOTT—It has been the custom in the debate on the Address for hon. gentlemen to make their remarks upon it, and it has usually been wound up by the leader of the House. If no hon. member desires to say anything more on the subject of the Address, I would make a few remarks in a very cursory way to close the debate. I think I should join with my hon. friends opposite, and have good reason for doing so, in the compliments which they paid to the new members for the ability they displayed in moving and seconding the Address. I think, apart from what we knew of them before, we have good reason, to judge from their efforts on that occasion, which is a very trying one, and not a very interesting one to them, I am sure, that they will be valuable members of the House; and I desire to add my compliments to those of my hon. friend opposite to them on the manner in which they addressed themselves to their task. I think I owe a few words of recognition also to the leader of the Opposition for the courtesy and good nature with which he performed his usual functions of criticising the Address. I found what he said entirely destitute of any asperity or bad feeling, but in point of fact the very reverse of that, and I am gratified to recognize the fact that we can conduct our discussions without loss of temper, and without wounding each other's sensibilities in any way. The criticism which my hon. friend devoted to the Address was, at the same time trenchant, to some extent, on several points; and it is on these points that I propose to say a word or two. I must admit, as I have already said, that that criticism was of a friendly and frank character, and, barring some portion of its substance, I have not a word to find fault with in it. My hon. friend commenced that criticism by a reference to the speech of the hon. gentleman who seconded the Address, on the subject of the duties on pork and beef and on other natural products of the country, and my hon. friend appeared to find fault with those duties. I would only say that it seems to me a little inconsistent with the assertions which hon. gentlemen opposite have been urging upon us—that the farmers were neglected—that the farmers were not protected—that they have no advantages—that all the protection was for the manufacturers. Now, it would appear from what my hon. friend said in his criticism on the speech of the seconder that he desires still further to oppress the

farmers—to remove the protection which the Government has been carefully providing from time to time for several years past, wherever it appeared appropriate, and in such a degree as would not materially enhance the cost of living. I would venture to hint to my hon. friend that that opposition is a little inconsistent with the care for the farmers which the hon. gentleman and his friends have been so voluble in expressing on every possible and impossible occasion—in fact, I think using efforts based on such assertions as those to set the farmer against the manufacturer—to set one class of our people against another class of our people. From time to time, when we have had the opportunity, we have protected our farmers in respects in which they value protection. I venture to say that the policy of the Government in giving a moderate protection to the products of the farm, where it can be done with advantage, is one which the people of the country will generally approve of. My hon. friend, then, while he admits that in one sense the country is prosperous, says that it is not our doing that the country is prosperous—that we are not entitled to any credit for its being prosperous. This is the old theory of the fly upon the wheel—that we cannot do anything good to make the country prosperous, or do any harm to prevent it being prosperous. I venture to say that the Government have something to do with the prosperity of the country. I venture to say that the Government have something to do with the enormous production of the North-West, to which my hon. friend refers, but for which he says we are not entitled to any credit. Where would be the production of the North-West if we had not the Pacific Railway ? How many millions of bushels, how many thousands of bushels, or how many bushels would have been grown in the North-West or exported from the North-West this season if it had not been for the persistence of this Government in the construction of the Pacific Railway ?

Hon. Mr. PERLEY—About 2 1-2 bushels.

Hon. Mr. ABBOTT—I fear that my hon. friend exaggerates in saying that. I doubt if there would have been a bushel exported.

Hon. Mr. POWER—Both parties were committed to building the railway.

Hon. Mr. ABBOTT—My hon. friend says that both parties were committed to building the railway. I think they were, but at the same time I must say that my hon. friend's party evaded that obligation, and talked to us about water stretches and the like, and from all the efforts they made during the four or five years they were in power, very little, I think, resulted towards the construction of any railway in the North-West ; and whatever may have been the good intentions of these hon. gentlemen—and I have no doubt they desired to see railway communication with the North-West, though they had not the pluck or backbone to take the means to get it—still they desired to have it ; but as far as intentions are concerned, we know to what use intentions are said to be placed, and they would not have done much good for the North-West. I insist, therefore, and I take issue with my hon. friend as to that, that this Government had something to do with the enormous productions of the North-West, and the great prosperity of the country, in so far as that prosperity has been promoted by the improvement of our means of transportation. My hon. friend remarks on our position with regard to the Behring Sea in a somewhat jesting manner, but I think there was something substantial intended in what he said on that subject. He said he was pleased to see the change of tone in this Government with regard to Behring Sea, and was inclined to twit the Government with having taken a more dictatorial tone with regard to the Behring Sea question than at present. I would like my hon. friend to believe, and I would try to convince him, that this Government has not changed its ideas in the slightest degree with regard to Behring Sea. It was probably a slip of the tongue when he said that we claimed jurisdiction over Behring Sea. My hon. friend did not mean to convey the idea, I am sure ; we never claimed jurisdiction over Behring Sea.

Hon. Mr. SCOTT—What I said was, that the Government disputed the sovereignty of the United States over Behring Sea.

Hon. Mr. ABBOTT—We did dispute the sovereignty of the United States over Behring Sea, and we dispute it now, and the question of the sovereignty of Behring Sea will not go before the arbitration. Mr. Blaine has formally, of late, abandoned any pretension to the exclusive jurisdiction over Behring Sea. What is claimed, and what has

been claimed, by the United States Government is that the seals which frequent the islands in Behring Sea possessed by the Americans, frequent that sea for the purpose of breeding, and that some kind of right over these animals is acquired by the United States Government, in consequence of their resort to those islands for breeding purposes, and there are other pretensions in the reference which I think I might venture to characterize without desiring to be offensive in any way, as of a somewhat shadowy character. But the real pretension—the substantial contention of the United States has subsided to this point, that it is the protection of the seals against extinction that they seek. It is possible that some kind of measure for the purpose of preventing the total extinction of the race, is proper and should be adopted. And that is one of the subjects which the commissioners appointed by both Governments are now considering at Washington, and with which the arbitrators will eventually have to deal. So that in point of fact we stand now as we stood then. The controversy commenced by the seizure of our ships on the high seas by the American cruisers. That was remonstrated against, and finally in such an unmistakable tone that it was abandoned, and then the negotiations for this arbitration commenced. They have been very tedious—I do not know that they could have been shortened. I may say that throughout the whole of these negotiations we have been treated with the utmost consideration and courtesy by the home Government. We have been made acquainted with every step that has been taken—our opinions and advice have been asked upon most, if not all, the points that have arisen, and although they may not always, perhaps, have been taken, still, I think, as I said just now, that we have been treated with very complete consideration and courtesy by the home Government, and that in the natural course of events, in the whole line of which neither we or the British Government have changed our positions in the slightest iota, there will be a solution which, I trust, will be satisfactory, and I hope may not be long delayed. I am just following my hon. friend through the points that he made, and I am endeavouring to deal with them in the same spirit in which he discussed them. The mission to Washington, of which my hon. friend spoke, he claimed had not been very prolific in results. Well, the results of those negotiations will be laid before the House soon, and hon. gentlemen will see exactly what took place there. We had an amicable discussion with the United States' Government respecting quite a number of matters in whch we were often at issue with them, or not exactly agreed with them, and we did succeed in bringing several of those to a conclusion. My hon. friend says that we need not have gone there for the purpose of settling the boundary of Alaska—that the boundary is laid down clearly in the treaty and that the only difficulty is the expense of the survey. If my hon. friend had to conduct the arrangements for the delimitation of the boundary, he would form a different opinion on the subject. The parties who made that treaty knew, I fancy, very little about Alaska. They describe the line which is to be drawn from the point of an island to Portland channel and up Portland channel to its extreme point in the mountains, and, I think, from that to a parallel of latitude ; then the line is to follow a range of mountains, at a distance not to exceed 10 marine leagues from the sea, until it reaches another parallel of latitude, which forms the northern boundary. Now, Portland channel, instead of running north, as the people who made the treaty supposed, runs practically east north-east. It has two passages, with a large and important island between them, and the very first question is, by which of these two passages does the line ascend Portland inlet—by the southerly or the northerly passage ? There is difficulty number one, for which the treaty affords no certain solution.

Hon. Mr. SCOTT — It says "ascends along Portland channel."

Hon. Mr. ABBOTT — The people who made that treaty did not know that there were two channels, having an island between them, and which of these two is to be adopted as the line is the first difficulty in settling that boundary. When the line comes to the top of that inlet, then it has to follow a range of mountains not more than 10 marine leagues from the sea. In order to reach such a range the line has to go back west again a considerable distance. It would appear, when that line is traced on the map, that it could scarcely meet the intentions of those who made the treaty. It is comprehensible that they thought Portland inlet ran northerly to a

point at a distance 10 leagues from the sea, and that they desired to keep about the same distance from the sea all the way to the northern boundary, but literal conformity to that idea seems impracticable. That is difficulty number two. Then there is no perfectly continuous chain of mountains running absolutely parallel to the sea. That is difficulty number three. Then the question arises where is the sea? which is the greatest difficulty of all. What is to be considered the shore of the sea from which the 10 leagues are to be counted? The shore of that portion of Alaska is of the most extraordinary character possible. It is full of inlets running along the shore with islands interspersed amongst them, and this kind of coast extends out a considerable distance towards the sea. Our friends on the other side, who do not usually neglect demanding anything they can get, pretend that the extreme inmost line of these indentations of the coast constitutes the sea, and that the line must run at 10 leagues distance all round the ends of each inlet, running up into the mountains sometimes 30 or 40 leagues from the sea. To survey a line like that, and lay it out, would probably cost the enormous sum that my hon. friend mentions, and which is said to have been the estimated expense of delimitation. I do not know a subject between the United States and ourselves that possesses one-tenth part of the difficulty that will be found in delimiting the boundary of Alaska. I think our rights are plain, and when we come to assert them we shall no doubt endeavour to make them prevail, but that we shall do so without difficulty, as my hon. friend says, is just as absolutely impossible as we have found it hitherto to settle other questions of a similar character with the United States not one-tenth part so difficult. These were the principal criticisms, I think, which my hon. friend addressed to the Speech in respect of the subjects I have just spoken of. My hon. friend diverged a little towards the subject of politics, and spoke of the promise in the Speech that there shall be a Bill for the redistribution of seats. And he expressed the hope that it will be fairer than the last. I do not know which was the last—Mr. Mowat's or this Government's. I know I had a letter from a distinguished politician in Ontario which I received yesterday, in which he stated that he thought the intention of both those Acts was the same, but that Mr. Mowat's was scientifically perfect in carrying out that intention; so I do not know whether my hon. friend meant or hoped it would be fairer than Mr. Mowat's or fairer than Sir John Macdonald's.

Hon. Mr. SCOTT—Our politics here are not local.

Hon. Mr. ABBOTT—Well, the politics unfortunately, or fortunately, perhaps, are more or less local as well as general, and we know that the two parties hold identically the same principles in the two legislatures. When we refer to Liberals and Conservatives we refer probably to those holding Liberal or Conservative views, not only in this Parliament, but in the Local Legislature, and, assuming that my friend meant Mr. Mowat's Bill, I venture to say that the Redistribution Bill will be fairer than the last, and will not need to be scientifically constructed, because I think I may say it will be of an extremely simple character. My hon. friend also, before he finished, administered to himself some little consolation for the trifling misfortunes which have befallen upon himself and his friends during the last month or two. He found a great many reasons why the elections should go against the Liberal party. He thought that the lists were tampered with at Ottawa, and he thought that the judges manipulated the lists.

Hon. Mr. SCOTT—No; I did not say that.

Hon. Mr. ABBOTT—I think that the hon. gentleman stated that the revising officers were all officials of the Dominion Government, and that it might fairly be presumed that these gentlemen did not neglect the interests of the Government in framing the lists. And as the printing was in the hands of the Dominion it might also be presumed that the printers would insert names which they thought were needed to make up a sufficient volume of votes for the Conservative party. I do not think I shall dwell on those two objections, because I do not think my hon. friend would seriously make them. The revising officers are largely county judges, and in almost every case, I daresay I might say in every case, but I do not know that positively, men of good position, men belonging to our own profession, who have a singular faculty for throwing off prejudices when they assume a judicial position. That has been the uni-

versal opinion expressed, not only by lawyers, but by the public as well, and I do not think my hon. friend will controvert it ; and I think he was not serious in these insinuations. His whole criticism was good natured, and I think he was jesting when he made those remarks, and that he did not seriously accuse the revising officers of the Dominion of tampering with the lists for the purpose of favouring the Government. I do not believe myself that they did, and I do not believe that the country think they did, and in that position I feel myself perfectly strong. But he says we fixed the elections when we pleased ; we named the returning officers, and he complains that we did not fix all these bye-elections on one day. I think that my hon. friend will find that the returning officers are generally the same men who performed the same duties in former general elections. If they had been guilty of any wrong-doing there are a great many watchful eyes fixed upon them, and we should be sure to hear of it. I think the returning officers have been singularly free from any charge bearing any impress of truth, or supported by any kind of evidence, of having in any way abused their position. I do not refer to the editorials which come out in party papers on the occasion of a defeat, whether by one side or the other. That is like the 24 hours that we give in Lower Canada to the clients who lose to curse their judges. I do not consider them of any more weight than the objurgations of the unfortunate clients. Beyond that I may say, and I say it without fear of contradiction, that the returning officers, as a class, have been remarkably free from any imputation of impropriety in their conduct, and certainly from any formal chages of such impropriety, and I do not at this moment call to mind anyone for years past who has been found guilty of any serious impropriety in the discharge of his functions. As to fixing elections on the same day, I do not know myself why that rule was adopted. I do not see any good reason for it, unless it be the fear of discussion. If there is a party in the country which is afraid of having public questions discussed, I can understand that they would like to fix the same day for all the elections, in order that the men who can explain the position of matters, in public affairs, would have their attention so much divided that there would be little or no opportunity for explaining or instructing the people as to that position. But apart from that, the idea of having the elections all on one day has found favour in the country, and has been adopted in the case of our general elections. But in this instance it was impossible to fix all the elections on the one day, unless we had put them all off until after the middle of February—until pretty near the time when the House met—because hon. gentlemen will remember that the 31st December is the day on which the revising officers were required to send in their lists ; and although such is the rule, a great many of them did not send in their lists until after the date. After those lists are sent in they have to be put in type, and it has been the practice to send back the proofs to the revising officers, in order that they may themselves correct the printed lists by the duplicates or memoranda in their possession.

Hon. Mr. MILLER—It is the law.

Hon. Mr. ABBOTT—I do not know that they are obliged by law to send the lists to the revising officers to correct the proofs, but they do so.

Hon. Mr. MILLER—Yes ; and to sign them.

Hon. Mr. ABBOTT—In the first place, the lists did not come in until after they should have been here, and in the next place when the proofs were sent to the revising officers they were not returned as promptly as might have been desired. In some cases the revising officers made a reference to both parties in the constituency to assist in the correction of the proofs. In others they took great pains themselves to compare the lists with memoranda they had, all these being precautions taken to prevent what my hon. friend from Ottawa jestingly said might have occurred with regard to the lists when in the hands of the revising officers. But the consequence of all this was that these lists came dropping in at intervals of a day or two until about the 15th of February, when, I think, the last came down. So it would have been impossible, had we made up our minds to fix all the elections on one day, to have had that day fixed before the time I have mentioned, because the law requires a certain notice to be given before the nominations, and then an interval must elapse before the polling. On one occasion we did fix seven of the elections for one day, because we had seven lists ready. The lists were ready and the elections were

held accordingly. Then my hon. friend will perceive that in some cases there were appeals. In some cases the judgments were not rendered till late in the vacation, and warrants could not issue thereafter till notice of judgment was given. All these circumstances combined rendered it absolutely impossible to carry out the idea of having all the elections on one day.

Hon. Mr. POWER—I have no doubt the Government were very much disturbed and distressed because they could not manage it.

Hon. Mr. ABBOTT—I must say that personally I was not very much disturbed, because personally I hold the opinion that the more discussion there is on a subject on which I am right the more likely I am to be sustained by the people.

Hon. Mr. POWER—Then the hon. gentleman should have waited and allowed full discussion until the last of those lists were ready. Then he would have got the full discussion, and had a fair election afterwards.

Hon. Mr. ABBOTT—We had the full discussion as it was. We had the fullest possible discussion in every county in which an election took place, and there was an ample number of gentlemen thoroughly acquainted with public affairs, on both sides, who visited these counties when the elections were pending for the purpose of discussing these questions and I think that a full discussion carried on while a certain amount of interest prevailed in the county, in consequence of the election pending, tended more than the ordinary half-hearted discussion spread over a length of time, to inform the electors of the actual issues before the country, and to bring about the beneficial result which we have to congratulate ourselves upon, than the system which my hon. friend would propose to adopt. I regret very much to have to remark upon the loss which this House has sustained since we last met, in the persons of two of our most valued and oldest Senators. I am sure this House will join with me in the expression of the greatest possible sympathy with their friends and relations in their loss, especially in the case of one of those hon. Senators, who certainly I may say was prematurely cut off. We saw him last in the enjoyment of apparently the greatest possible health and strength, and we lost him after a comparatively short illness. I am sure I need say no more on that subject than just to express the great regret we all feel at the loss we have sustained in the death of these two gentlemen.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Thursday, March 3rd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE RESIGNATION OF MR. CARLING.

MOTION.

Hon. Mr. POWER moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a copy of the resignation by the Hon. John Carling, Minister of Agriculture, of the seat in the Senate occupied by him at the close of the last session of Parliament

He said: It is unfortunate that such a notice should be placed on the Orders of the Day, and I regret, and I presume that every hon. gentleman unites with me in regretting, that one of the two departmental officers whom we had in this House at the close of last session, should have left the Senate; and the regret is naturally increased when we find that one important department, which was held by a member of this House at the close of last session—the Department of Public Works—has passed into the hands of a gentleman of the House of Commons, so that the Senate, which last year occupied about a fair position with respect to the Cabinet officers, has now got back to the very same unsatisfactory position in which it stood before the Minister of Agriculture came here. We have the Premier here, it is true, but no other departmental officer. I can, for one, most honestly express my regret that the hon. member who was at the head of the Public Works at the close of last session, had not remained there, because he was a gentleman whose capacity and long experience in dealing with important works of a public character, fitted him especially for that Department. There were a good many things which remained to be done about the buildings here

—things which suggest themselves to a man of business ability—which I regret that that hon. gentleman has not remained long enough in office to do. I am glad to notice one small improvement, but at the same time a very desirable one, he has caused to be made—that is the Parliament clock is to be illuminated in future, and gentlemen will be able to tell whether or not the House of Commons is in session without going up to the buildings to inquire. There were a number of other thing of a comparative small nature about the buildings here which, if the hon. gentleman had remained in office, would have been attended to. Of course the great things and the staff of the department would have been attended to in the same business-like way. I regret that the Minister of Agriculture has left this House, because, although it is not my business of course to think about it. I think that at this time of life the contest he has just gone through in an Ontario constituency is not a very pleasant or agreeable way of passing the time. Some one suggests not to his opponents. I think that probably a younger and more vigorous man would have made it just as unpleasant for the opponents. But I do not suppose that there will be any opposition to the passing of this Address. It is asking for information which, of course, we have a right to, and information which I think the Government could give without being asked. Then there is another point in connection with the changes in the Administration that I think we might have had some information about. Two departmental officers have been taken out of this House and have gone into the House of Commons. There was another department vacant—the Department of Secretary of State—which I think might very well have been held by a member of this House, and I think it is to be regretted that, as the Government had a number of gentlemen here from the Province of Ontario well qualified to sit in the Cabinet, they should have gone outside to look for a gentleman who had not a seat in either House, to take that place, which might have been filled by a member of the Senate.

Hon. Mr. KAULBACH—It is very seldom that I agree with my hon. friend in what he says, but the whole House must share his feeling of regret that two departmental officers should have been taken, as they were, from the Senate. Of course there may be reasons, which the Premier will give us, for having taken such a course in this case; but I hope the present state of affairs will be of only temporary duration—that we shall soon have a proper number of departmental officers in this House. In the early days after Confederation we had four or five members of the Government in the Senate, and it has been on several occasions remarked that there was an impropriety in not having this House fairly represented in the Cabinet. It is not fair to the Senate, or to the people in general. I think my hon. friend's views commend themselves to the House, and I hope that his expression of opinion may tend, in the not far future, to have in this House some of the departmental representatives.

Hon. Mr. ABBOTT—My hon. friend, on his notice for a copy of Mr. Carling's resignation, managed to bring before us in a few minutes quite a number of important subjects. He gives his opinion that we ought to bring down such papers as this without being asked. That is a new doctrine in parliamentary practice. I am sure this Government does not refuse to bring down papers when they are asked for.

Hon. Mr. POWER—I think I said, "without notice."

Hon. Mr. ABBOTT—In that way they are very complaisant, but their complaisancy does not extend to bringing down papers when they are not asked for. No doubt the hon. gentleman will get the papers that he moves for, but if he wants any more he must ask for them. So with regard to the explanations that he speaks of. It is usual for Governments to give such explanations, but it is also usual to ask for them, and of course if my hon. friend, or any other member of this House, asks for information as to the changes which have taken place in the reconstruction of the Cabinet, as far as it has gone, it will be gladly and frankly given to the House. The subject which my hon. friend and the hon. gentleman from Nova Scotia spoke of is one of much more difficulty than perhaps they appreciate. There are a very limited number of Departments that could by any possibility be represented in this House. The Department of Public Works, which was only held by the Hon. Mr. Smith temporarily, is one which could not remain in this House. The expenditures of that Department amount to two to three millions of dollars a year. This expenditure consists of numerous small disbursements, very few of

them large but a great many moderate, and small amounts. Every one of those items has to be explained to the gentlemen who hold the purse strings, which unfortunately we do not; and it is absolutely necessary, therefore, that the Public Works should be represented in the House of Commons. There are two or three departments which are not spending departments, and the representatives of which might be in this House; but, even taking that for granted, it is not easy to pitch upon the gentleman who is fitted for one of these departments, and will undertake its work, and who is at the same time a Senator or about to be promoted to the Senate. In that respect, also, we have to be guided to a large extent by circumstances. I think the Government showed last year that, so far as they were able, they contemplated arrangements which would give to this House such a share of the Cabinet as could, with propriety, be held, but we cannot ignore the fact that the money-spending departments must be represented in the House of Commons. It is impossible to avoid that, and consequently our choice is limited, and the difficulty of filling these departments, which might properly be represented here, is greatly increased. My hon. friend regrets very much, he says, that the gentleman chosen for the position of Secretary of State should not have been a member of this House, and that he should have been chosen outside of both Houses. I am not at all surprised at that regret. The gentleman who was appointed had not a constituency, and he did not wish to take one from his friends, so he took one from his opponents, and in that respect, perhaps, he did the country a service, and one which a gentleman who was a member of this House at the time could not have done. Apart from that, I do not see any constitutional objection to conferring any department on a gentleman who is well qualified for it, and who, by universal consent, will do honour to the Government, and will discharge his duty as faithfully as any gentleman could, in the position which he has accepted. With reference to the motion that my hon. friend makes, there is no objection to it at all. The resignation is one which is addressed to His Excellency, but I do not know that that creates any difficulty, and I have no objection whatever to the motion being carried.

The motion was agreed to.

THE SESSIONAL COMMITTEES.

Hon. Mr. ABBOTT moved that the Sessional Committees be composed respectively as follows :—

LIBRARY.

SENATE :

His Honour the SPEAKER,

Hon. Messrs.

ALLAN,
ALMON,
BOTSFORD,
BOUCHERVILLE, DE,
DRUMMOND,
GOWAN,
LANDRY,
MACINNES (Burlington),
MCCLELAN,
MASSON,
MILLER,
MURPHY,
POIRIER,
POWER,
SCOTT,
WARK.

PRINTING.

Hon. Messrs.

CASGRAIN,
DEVER,
DOBSON,
GIRARD,
GOWAN,
GUÉVREMONT,
KAULBACH,
LOUGHEED,
MCCLELAN,
MCKINDSEY,
MACFARLANE,
OGILVIE,
PERLEY,
PELLETIER,
POWER,
READ,
SULLIVAN,
VIDAL,
WARK.

BANKING AND COMMERCE.

Hon. Messrs.

ABBOTT,
ALLAN,
BELLEROSE,
BOTSFORD,
BOYD,
CHAFFERS,
CLEMOW,
COCHRANE,
DOBSON,
DRUMMOND,
LANDRY,
LEWIN,
LOUGHEED,
MASSON,
MCLAREN,
MCCALLUM,
MCMILLAN,
MACINNES (Burlington),
MACPHERSON, (Sir David Lewis),
MILLER,
MONTPLAISIR,
MURPHY,
PRICE,
PROWSE,
REID (Cariboo),
ROBITAILLE,
SANFORD,
SMITH,
SULLIVAN,
THIBAUDEAU,
VIDAL,
WARK.

RAILWAYS, TELEGRAPHS AND HARBOURS.

Hon. Messrs.

ABBOTT, ALLAN, ALMON, BELLEROSE, BOUCHERVILLE, DE, BOULTON, CLEMOW, COCHRANE, DICKEY, DRUMMOND, GIRARD, KAULBACH, LOUGHEED, MCCALLUM, MCCLELAN, MCDONALD (C. B.), MCINNES (B. C.), MCKAY, MCKINDSEY, MCMILLAN, MACDONALD (B. C.), MACINNES (Burlington), MONTGOMERY, MILLER, MURPHY, O'DONOHOE, OGILVIE, PERLEY, POWER, PRICE, ROBITAILLE, READ (Quinté), REID (Cariboo), SANFORD, SCOTT, SMITH, SNOWBALL, STEVENS, SUTHERLAND, TASSÉ, VIDAL.

CONTINGENT ACCOUNTS.

Hon. Messrs.

ABBOTT, ALLAN, ARMAND, BOTSFORD, CHAFFERS, DEBLOIS, DICKEY, DOBSON, DRUMMOND, FLINT, GIRARD, GRANT, HOWLAN, MCCLELAN, MCDONALD (C. B.), MCINNES (B. C.), MCKAY, MACINNES (Burlington), MCMILLAN, MACFARLANE, MACPHERSON, (Sir David Lewis), MILLER, O'DONOHOE, OGILVIE, PELLETIER, PERLEY, POIRIER, POWER, PROWSE, READ, ROBITAILLE, SANFORD, SCOTT, SMITH, SNOWBALL, STEVENS, TASSÉ.

STANDING ORDERS AND PRIVATE BILLS.

Hon. Messrs.

ALMON, ARMAND, BELLEROSE, BOLDUC, BOTSFORD, BOULTON, DEBLOIS, DEVER, MACDONALD (B. C.), MACDONALD (P.E.I.), MACFARLANE, MERNER, MILLER, MONTGOMERY, MONTPLAISIR, MURPHY, FLINT, GIRARD, GLASIER, GOWAN, GRANT, GUÉVREMONT, HOWLAN, LANDRY, LOUGHEED, MASSON, MCINNES (B. C.), MCKAY, MCLAREN, MCMILLAN, O'DONOHOE, OGILVIE, PELLETIER, POIRIER, POWER, PROWSE, READ, REESOR, SCOTT, STEVENS, SULLIVAN, SUTHERLAND, TASSÉ.

DEBATES.

Hon. Messrs.

BELLEROSE, BOLDUC, BOUCHERVILLE, DE, BOULTON, CASGRAIN, HOWLAN, LANDRY, MACDONALD (P.E.I.), MASSON, MCCALLUM, MACFARLANE, MERNER, MONTPLAISIR, PERLEY, POWER, SCOTT, THIBAUDEAU, VIDAL.

SELECT COMMITTEE ON DIVORCE.

Hon. Messrs.

GOWAN, KAULBACH, LOUGHEED, MCKAY, MCKINDSEY, MACDONALD (B. C.), OGILVIE, READ, SUTHERLAND.

RESTAURANT COMMITTEE.

The Hon. the SPEAKER.

Hon. Messrs.

ALMON, GIRARD, MCKAY, MCMILLAN, MILLER, MACDONALD (B. C.).

DEATH OF THE DUKE OF CLARENCE AND AVONDALE.

MOTION.

Hon. MR. ABBOTT moved that an humble Address be presented to Her Most Gracious Majesty the Queen, in the following words :—

To the Queen's Most Excellent Majesty :

MOST GRACIOUS SOVEREIGN,

We, the Senate and of Canada, in Parliament assembled, approach Your Majesty with renewed assurances of our loyal and devoted attachment to Your Person and Crown.

The people of Canada have learned with universal and deep sorrow, the affliction which has fallen upon Your Majesty, and your illustrious family, in the loss of His

Royal Highness Prince Albert Victor, Duke of Clarence and Avondale. They desire to offer to Your Majesty the expression of the profound sympathy which your people in this Dominion feel with Your Majesty in the grievous calamity which has deprived you and Their Royal Highnesses the Prince and Princess of Wales, of a young Prince enjoying the happiest prospect of a long and illustrious career.

You people in Canada trust that an all-wise and beneficent Providence may be pleased to comfort and support Your Majesty in your present affliction; and that in the love and devotion of your children and descendants, and in the affectionate sympathy of your whole people, you may find some alleviation of your present great sorrow.

And they pray that Your Majesty may be long spared in your illustrious position as the Guardian of the destinies of this great Empire.

He said: In placing this notice upon the paper, I endeavoured to express as fully as I was capable of doing, the feeling which I am sure everyone in this country experiences towards Her Most Gracious Majesty in respect of the grievous affliction which has fallen upon her in the loss of Prince Albert Victor, Duke of Clarence and Avondale. We all know that Her Majesty is regarded with respectful loyalty as our Sovereign throughout this country and throughout her whole Empire; and with affectionate respect as a model wife and mother; and this sad misfortune which has fallen upon her has been a severe blow to her as a Sovereign, in the death of one whom she regarded ultimately as being the occupant of the throne; and in her tenderest affections in being bereaved of a beloved grandson. Her Speech at the opening of the present session of the Imperial Parliament, expressed in a touching manner her feelings in this connection in both respects; and her loyal subjects in this country, and throughout the world, have felt the most sincere and profound sympathy with her in her affliction. As an expression of that sympathy, on behalf of the people of Canada, I move the Address which appears on the paper to-day.

The motion was agreed to.

Hon. Mr. ABBOTT moved that the said Address be engrossed and that His Honour the Speaker do sign the same on behalf of the Senate.

The motion was agreed to.

Hon. Mr. ABBOTT moved that a Message be sent to the House of Commons by one of the Masters in Chancery to acquaint that House that the Senate has adopted the said Address to Her Most Gracious Majesty, and to request their concurrence.

The motion was agreed to.

MESSAGE OF CONDOLENCE.

MOTION.

Hon. Mr. ABBOTT moved—

That this honourable House do send a message of condolence to Their Royal Highnesses the Prince and Princess of Wales:

To express the profound and universal sorrow of the people of Canada on the occasion of the untimely death of His Royal Highness Prince Albert Victor, Duke of Clarence and Avondale,

And respectfully to convey their sincere and deep sympathy to Their Royal Highnesses in the sad affliction which has fallen upon them in the loss of a young Prince, the Heir of their illustrious House, at the commencement of a career which appeared to be fraught with the most brilliant prospects of happiness and distinction.

He said: In expressing our sympathy with Her Majesty in the loss of her grandson the Duke of Clarence and Avondale, we must not forget that there are others who are at least as deeply affected by this melancholy occurrence as Her Majesty herself; I refer to Their Royal Highnesses the Prince and Prince and Princess of Wales, the father and mother of the young prince, of whom they have been deprived by his untimely death. I have in consequence given notice of this message to Their Royal Highnesses expressive of our sympathy with them in their bereavement, and I move its adoption.

The motion was agreed to.

Hon. Mr. ABBOTT moved that an humble Address be presented to His Excellency the Governor General in the following words:—

To His Excellency the Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of the United Kingdom; Knight Grand Cross of the Most Honourable Order of the Bath, Governor General of Canada.

May it please Your Excellency:—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, have resolved to send a message of condolence to Their Royal Highnesses the Prince and Princess of Wales:

To express the profound and universal sorrow of the people of Canada on the

occasion of the untimely death of His Royal Highness Prince Albert Victor, Duke of Clarence and Avondale,

And respectfully to convey their sincere and deep sympathy to Their Royal Highnesses in the sad affliction which has fallen upon them in the loss of a young Prince, the Heir of their illustrious House, at the commencement of a career which appeared to be fraught with the most brilliant prospects of happiness and distinction.

We beg leave to approach Your Excellency with our respectful request that you will be pleased to transmit the said message to their Royal Highnesses the Prince and Princess of Wales in such a way as Your Excellency may see fit.

The motion was agreed to.

Hon. Mr. ABBOTT moved that the said Address be engrossed, and that His Honour the Speaker do sign the same on behalf of the Senate.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. BELLEROSE (in the absence of the Hon. Mr. Ogilvie) moved that when the House adjourns this day it do stand adjourned until Wednesday, the 16th inst., at 3 o'clock in the afternoon. He said: I have spoken to some members on the subject of this motion, and they seem to me to be prepared to decide the question to-day, and as I believe it would be more advantageous, in the case of the adjournment, to know whether it is to take place to-day or to-morrow, I move the resolution without giving any reasons, because they are the same reasons that are given every year. It is well known that at the beginning of the session there is very little work to be done, except the reading of the blue books, which can be done as well at home as here.

Hon. Mr. ABBOTT—I do not like altogether the day to which this adjournment is proposed. It may be taken for granted now, I suppose—it has been so long the practice—that at the commencement of the session, after having completed the nomination of our committees, we may, without disadvantage to the public business, adjourn for a few days until Bills come up to us from the other House, but I would suggest that Wednesday is too late in the week, and that the motion should be modified to make the adjournment to Tuesday, the 15th inst. If that change is made I am ready to concur in the motion.

Hon. Mr. KAULBACH—I am very glad that the leader of the House has taken this course and expressed an opinion as to whether we should have an adjournment or not. When that is done I never make an objction, but I would suggest that it would be advisable not to adjourn to-day but to adjourn to-morrow.

Hon. Mr. SCOTT—There is nothing on the paper.

Hon. Mr. KAULBACH—We have the organization of the committees, and I think it would be better to have the adjournment from to-morrow. Otherwise we will have a difficulty in organizing the committees.

Hon. Mr. MILLER—If the desire is to postpone the adjournment until to-morrow in order that the committees may meet, I do not see that there is any reason why we should meet to-morrow, because the committees of this House can meet during an adjournment, which is not the case with the committees of the House of Commons.

Hon. Mr. KAULBACH—I was aware of that fact; but at the same time I am afraid that the committees will not be organized if we adjourn to-day.

Hon. Mr. DICKEY—I am not by any means prepared to fall in with the suggestion made by the hon. gentleman from Richmond, for the very good reason that we cannot organize to-morrow unless the House is in session. The 92nd rule provides that the organization of a committee shall take place on the next sitting day of the House. I think there would be great convenience in adopting the suggestion of the hon. gentleman from Lunenburg. The hon. Premier has cut off one day from the end of the adjournment, and I propose to cut off another day at the beginning of the adjournment. I think it would be more convenient to sit to-morrow and then to adjourn until the 16th. The position then would be just this: the committees will meet to-morrow and organize, and the several reports will be made as to the quorums, and if there is any other business it can be done to-morrow. I therefore move in amendment that when this House adjourns to-morrow it do stand adjourned until the 16th instant at 8 p.m.

Hon. Mr. ABBOTT—There is a little diffi-

culty in completing our proceedings to-day which may render it necessary to accept the amendment — that is to say, the Address which we have just passed will have to be concurred in by the other House and returned to the Senate.

Hon. Mr. DICKEY—Apart from that, there is the reason which I gave—the organization of our own committees. It would be better, therefore, to meet to-morrow.

Hon. Mr. MILLER—Before I spoke, my own opinion was that it would be better to amend the motion in the direction which has been suggested by the hon. member from Amherst, that is, that when the House adjourns to-morrow it stands adjourned until the 16th, but I did not care to press my own view on the House. With regard to the exception which my hon. friend has taken, I do not know whether the hon. gentleman differs from me in the position that I took that committees of the Senate can sit during an adjournment. I recollect many years ago calling the attention of a celebrated parliamentarian of the other House to the fact —the Hon. Mr. Holton—and he was surprised on looking up the matter to find that it was so. There may be a good deal in the objection raised by the hon. member from Amherst, but I am not so sure that the words "sitting day" means what my hon. friend construes it to mean in the rule. There are sitting days and non-sitting days. Non-sitting days are statutory holidays and Sundays; all others are sitting days, and I am not at all clear that it is necessary that the House should actually be in session in order to comply with the rule which my hon. friend has just now cited. I do not, however, very strongly urge my opinion on that point and I do not say that it is conclusive against what my hon. friend has stated, but all difficulties could be met by adopting the amendment.

Hon. Mr. DEVER—We who come from the Maritime Provinces have only just arrived, and now we find that we are about to adjourn without doing any business. To my mind it would be better for us to attend to our work until next week, at all events, and then adjourn if we have no business to do.

Hon. Mr. BELLEROSE—I am quite prepared to change my motion in the manner suggested by the hon. member from Amherst.

The motion was amended accordingly, and agreed to.

The Senate adjourned at 4.15 p.m.

THE SENATE.

Ottawa, Friday, March 4th, 1892.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE DEATH OF THE DUKE OF CLARENCE.

A Message was received from the House of Commons informing the Senate that they had agreed to the Addresses of condolence to Her Majesty the Queen and the Prince and Princess of Wales on the occasion of the death of the Duke of Clarence and Avondale.

Ordered that the said Addresses be presented to His Excellency.

The Senate adjourned at 4.07 p.m.

THE SENATE.

Ottawa, Wednesday, March 16th, 1892.

The SPEAKER took the Chair at 8 p.m.

Prayers and routine proceedings.

The Senate adjourned at 8.30 p.m.

THE SENATE.

Ottawa, Thursday, March 17th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

QUARANTINE REGULATIONS IN BRITISH COLUMBIA.

MOTION WITHDRAWN.

The notice of motion given by Hon. Mr. Lougheed being read—

That he will call the attention of the Government to the discrimination made in the

carrying out of the quarantine regulations in respect to the cattle trade, as between the Province of British Columbia and the other western portions of the Dominion ; and will inquire if it is the intention of the Government to permit a continuance of such discrimination, or to enforce the quarantine regulations with equality throughout the Dominion ?

Hon. Mr. LOUGHEED said : Since giving this notice I have been informed that the Government have taken such action in the matter as to render it unnecessary for me to draw the attention of the House to the facts referred to in the motion. I beg, therefore, to withdraw the notice.

Motion withdrawn.

THE HIGH COMMISSIONER.

QUESTION.

Hon. Mr. O'DONOHOE — I desire to ask a question of the Government. Sir Charles Tupper, the High Commissioner for Canada in England, is reported in the press of the United States and Canada to have declared in a public speech that a vital blow is to be struck by Canada at the United States. I beg to ask the Government if the hon. Commissioner had authority to make that statement, and if he had that authority, what is the vital blow pending ; and if he had no such authority, will the Government repudiate the statement made by him ?

Hon. Mr. DEVER — It was said over here that it was all "blow."

Hon. Mr. ABBOTT — I have great pleasure in informing my hon. friend and hon. gentlemen that I have the authority of Sir Charles Tupper for saying that the story that he made use of any such expressions as those attributed to him in this correspondence is absolutely false—that he neither said any such thing nor thought of any such thing.

THE CONFERENCE AT WASHINGTON.

A MESSAGE FROM HIS EXCELLENCY.

Hon. Mr. ABBOTT presented to the House a message from His Excellency the Governor General, transmitting to the Senate copies of documents relating to the negotiations at the conference recently held at Washington between the delegates from the Canadian Government and the Secretary of State of the United States, respecting the extension and development of trade between the United States and the Dominion of Canada, and other matters.

Hon. Mr. POWER — Would the leader of the Government be good enough to state whether, the papers just laid on the Table of the House, purporting to be the correspondence with the Washington authorities, include the whole of the correspondence ?

Hon. Mr. ABBOTT — I do not know that I am in a position to say that it includes the whole of the correspondence. There may be some informal confidential communications that are not here, but it contains all the official correspondence.

Hon. Mr. POWER—I presume this correspondence is the same as that laid on the Table of the other House yesterday, and I notice in hat correspondence there is published nothing whatever respecting reciprocal trade relations between the two countries.

Hon. Mr. ABBOTT—My hon. friend can discuss all these questions on a motion for a return.

The Senate adjourned at 3.35 p.m.

THE SENATE.

Ottawa, Friday, 18th March, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (A) "An Act to amend the Act respecting the Department of the Geological Survey." (Mr. Abbott.)

The Senate adjourned at 3.30 p.m.

THE SENATE.

Ottawa, Monday, March 21st, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE DESCENDANTS OF LAURA SECORD.

PETITION.

Hon. Mr. McINNES (B.C.) presented the petition of Laura Louisa and Mary Augusta

Smith, descendants of Laura Secord, praying for relief, in view of their advanced years and failing health, and the great services rendered by their grandmother in the war of 1813. He said : A copy of this petition was presented in the other House, and at the request of the hon. member who submitted it, was read by the Clerk. I suppose there is no particular objection to the same course being pursued here, and I therefore move that this petition be received and that it be read by the Clerk.

The petition was received and read.

THE WRIGHT DIVORCE CASE.

REPORT OF COMMITTEE.

Hon. Mr. GOWAN, from the Select Committee on Divorce, to whom was referred the petition of James Wright, praying for a divorce, reported that there had been some incompleteness in the proceedings, but as the object of the rule of the House had been substantially attained, and the respondent had been personally served with a copy of the notice, and none of the interested parties could be prejudicially affected, they recommended that the publication made be considered sufficient. He said : There has been a technical incompleteness in this case, but nothing to affect the substantial purpose sought by the rule. The solicitor for the petitioner, Mr. White, of Pembroke, sent instructions to Manitoba to have the notice published in one English and one French newspaper in the month of September, but owing to some accident it did not appear until October. Personal service was duly made on the respondent however, and six months' notice was given in the *Gazette*. The rule having been substantially complied with, I move the adoption of the report.

Hon. Mr. KAULBACH—There has been, certainly, a violation of the rules of the House in this instance. It is an exceptional case, and I hope it will not be regarded as a precedent, but that we shall in all cases stick closely to our rules.

Hon. Mr. POWER—There appears to have been a departure from the rules here. The hon. Chairman said it was a departure from a mere technical rule ; still, all those rules are more or less technical, and as the hon. gentleman's explanation probably was not heard by a majority of the members of the House, it would be wiser, in my opinion, that the adoption of the report should be deferred until members have an opportunity of becoming acquainted with the circumstances of the case.

Hon. Mr. BELLEROSE—I suppose it is understood this session, as in former years, that all motions relating to these divorce cases are carried on a division ?

Hon. Mr. GOWAN—Yes.

The report was allowed to stand for consideration to-morrow.

BILLS INTRODUCED.

Bill (B) "An Act for the relief of James Albert Manning Aikins." (Mr. Sanford.)

Bill (C) "An Act for the relief of Herbert Remmington Mead." (Mr. Perley.)

Bill (12) An Act further to amend Chapter 96 of the Revised Statutes, entituled : "An Act to encourage the development of the sea fisheries and the building of fishing vessels." (Mr. Abbott.)

Bill (D) "An Act for the relief of Ada Donigan." (Mr. Cochrane.)

THE BAIE DES CHALEURS RAILWAY INVESTIGATION.

QUESTION.

Hon. Mr. MILLER—Before the motions are called I would like to ask the hon. Prime Minister whether any further correspondence resulting from the enquiry made last session by the Baie des Chaleurs Committee of this House has taken place between His Excellency the Governor General and His Honour the Lieutenant Governor of Quebec ? If any such correspondence has taken place, subsequent to the return made to this House at the close of last session I wish to give notice for its production to the House, if necessary. Perhaps the hon. Prime Minister may not think it necessary that a formal motion should be made ; I therefore desire to ask the question of him ?

Hon. Mr. ABBOTT—I think there has been one or more communications from His Honour the Lieutenant Governor of Quebec relative to the Baie des Chaleurs matter since last session, and I will have great pleasure in bringing the correspondence down without further notice.

TRADE RELATIONS WITH NEWFOUNDLAND.

ENQUIRY.

Hon. Mr. BOULTON rose to enquire whether it is the intention of the Government to resume the commercial status with Newfoundland that existed prior to the last session of Parliament. He said: Before putting the enquiry that I placed on the paper for to-day, I should like to review the history of our negotiations with the Government of Newfoundland. I think there can be no doubt that Canadians generally must feel——

Hon. Mr. KAULBACH—I rise to a question of order. My hon. friend is evidently embarking upon a prepared speech on a very important question which involves the largest interest we have in the Maritime Provinces—that is our fisheries. The hon. gentleman has not placed himself in a position to discuss the question. There is no motion before the House, and he is not in a position to make a speech or any extended remarks. Should he do so I will claim the privilege of a reply, and it is a subject so large—there is so much involved in it—that, if my hon. friend proceeds with his speech now he would not only violate the rules of the House, but he would also place myself and other hon. gentlemen coming from the Maritime Provinces, who take a deep interest in the fisheries, at a great disadvantage. I must, therefore, ask the ruling of the Chair whether my hon. friend, there being no motion before the House, can supplement his question with a speech or make any extended remarks.

Hon. Mr. SCOTT—In making enquiries of this kind it has been usual to allow Senators a reasonable amount of latitude in explaining them. I do not think it should be made an occasion for a full discussion of the subject, but it has always been the practice of this House to allow an hon. gentleman, in introducing a question, to give a full exposition of the reasons why he does so, and to go more deeply into it than the bald question itself as it appears on the paper. I think it would be very unfair to restrict the hon. gentleman to merely rising and asking his question.

Hon. Mr. KAULBACH—The question is not an ambiguous one, and we ought to comply with the rule. Such a speech takes hon. gentlemen by surprise. It places one at a great disadvantage. It is a subject which I feel I am not prepared to discuss to-day; though if my hon. friend goes into the question I claim the privilege to reply, and it will, perhaps, take some hours to discuss it.

Hon. Mr. MILLER—As I suppose it would not be objectionable to His Honour the Speaker, and to the House, that a little discussion should take place on a point of order of this character, I will venture to trespass on the patience of the House for a moment. In the British Parliament the rules for questions brought up for discussion before both Houses are essentially different. In the House of Commons no discussion is permitted by the rules upon enquiries such as that made to-day by the hon. member from Shell River, but in the House of Lords (on whose rules we have largely modelled ours, in this particular at least) it has been usual to allow a limited discussion and limited debate, and of recent years the practice has become more common. In the House of Lords speeches are permitted upon questions of this kind, although the more regular way to elicit discussion upon an enquiry is for a member to give notice that he will call attention to a question and afterwards to make an enquiry of the Government with regard to it. On these notices and enquiries long discussions have taken place in this Senate on previous occasions. In fact, discussions have arisen which have gone on from day to day, and the irregular course has been pursued of allowing such discussions when there was actually no motion before the House. I recollect, when I had the honour of occupying the Chair, I called the attention of the House to this irregular practice, and I find that my remarks are quoted by Bourinot in a note to his paragraph on this subject. While I think we have gone too far in permitting these discussions, I am afraid the practice has become too firmly established to allow us to set up a different practice at the present time to the disadvantage, perhaps, of hon. gentlemen who desire to take part in the debate on this question. I do not desire —I suppose no one desires—to do that, but under the rule of the House my hon. friend will not be debarred from making any reply he likes, and at as full length as the speech of the hon. gentleman who makes the enquiry. Perhaps the House will not find fault

with me if I quote on this important point the authority of Mr. Bourinot. He says :

"Th procedure of the Senate on such occasions is quite different from that of the Commons. Much more latitude is allowed in the Upper House, and a debate often takes [illegible] question or enquiry, of which, however, notice must always be given when it is of a special character."

Now, this notice has been given, and is in compliance with the rule and practice in that respect. He continues :

"Many attempts have been made to prevent debate on such questions, but the Senate, as it may be seen from the precedents [illegible] the notes below, have never practically given up the usage of permitting speeches on these occasions—a usage which is essentially the same as the House of Lords."

It is true there is a qualified sentence to that almost unlimited scope for discussion described by the authority I have just read from. He says :

"The observations made on such occasions, however, should be confined to the persons making and answering the enquiry, and if others are allowed to offer remarks these should be rather in the way of explanation, or with the view of eliciting further information on a question of public interest."

Now, I do not think this is borne out by the practice of this House. We have gone a good deal further than the House of Lords in the discussions that have been permitted in the Senate. In quoting the notes, Mr. Bourinot does me the honour of saying that I called the attention of the House to the matter. He says :

"Mr. Miller, formerly Speaker, in 1888 expressed himself strongly as to permitting debate on a mere enquiry. But, as the notes show, the Senate has never laid down any distinct rules to limit debate."

The Senate did not think proper to take any action on the remonstrance I made on the prolonging of these debates, and I presume the practice has been confirmed, rather than weakened, by any reference I made to it at that time. I take it for granted that it will largely depend on the House what liberty of discussion should be allowed to hon. gentlemen on this motion, but the same liberty should be allowed of course to any one wishing to reply.

Hon. Mr. KAULBACH—Although I do not differ from what my hon. friend has said, I know that there have been discussions on such notices, but the practice has been to call the attention of the House to a certain subject and then ask a question based on that. I remember one such case. I think we are getting into very lax ways, because no one could have anticipated, on a simple question of this kind, that we were going to have a discussion. My hon. friend who gave this notice should have made a motion.

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman has already spoken.

Hon. Mr. KAULBACH—I have said all I intended to say, and I now call for the ruling of the Chair.

Hon. Mr. MASSON—The rule is clearly laid down in the House of Lords. In England until 1868 discussions were not allowed on questions without notice being given. Then was established the rule that whenever a discussion was desired, the memeber should give notice, and, on that notice being given, a general debate might take place. It is laid down in May that important discussions have taken place on single questions, provided the member gave proper notice. In this instance the hon. gentleman has given proper notice. He has in his favour the usage of the House, and has also written proof that it is not only the usage of this House, but also of the House of Lords. He has this rule which has been laid down in England, and has, therefore, the right of going on with the discussion. It would be very extraordinary if, on a question of such importance, an hon. member is to be debarred from continuing the discussion unless the House is informed by the Government that it would be detrimental to the public interest to prolong the debate. The Government has given no intimation of the kind. It is quite well established that the usage of the House has been to allow discussions on questions like this, and the hon. gentleman having taken the precaution to give due notice, it would be harsh to prevent the discussion, and with due respect to the hon. gentleman who has raised the question, I think he is entirely mistaken.

Hon. Mr. ALLAN—I entirely agree with the hon. gentleman from Arichat as to the

practice of this House—a practice somewhat to be regretted, and one which we have found inconvenient at times. During the last year that I had the honour of occupying the Chair, one enquiry which came before the House was debated, not only during that sitting, but from day to day when there was really no motion before the House. I ventured myself to mildly remonstrate against the practice, and pointed out the inconvenience that it would give rise to. If these things are to be decided by precedents, the hon. member would be quite within his right in making a speech on his enquiry, unless the House chose to decide to the contrary.

Hon. Mr. POWER—If I remember rightly it is laid down by Bourinot that the practice in England has never justified extending the discussion on a question beyond the day on which it begins. In our own practice, where the discussion has been continued, the hon. gentleman who began it has given notice that he would call attention to a certain subject and conclude with an enquiry.

Hon. Mr. MILLER—That does not make a motion.

Hon. Mr. POWER—I know it does not; but I do not think it will be found that we have carried on discussions from day to day on a mere enquiry.

Hon. Mr. MILLER—No.

Hon. Mr. POWER—I feel that the hon. gentleman from Lunenburg is in the same position in this case that he sometimes occupied on motions for adjournments. He is really anxious to make a speech himself, and he has raised this question in order that it may be made clear that he has a right to reply to the hon. gentleman who has given the notice.

Hon. Mr. KAULBACH—The hon. gentleman is wrong. But this is a matter of great importance, and one in which I feel deeply interested. It is a wide question, involving a great many points for discussion, and I am not in a position to meet a carefully prepared speech of the hon. gentleman opposite. I do not think it would be fair to spring a discussion on such an important point. I ask for the ruling of the Chair.

The SPEAKER—As far as the practice is concerned, I think we have permitted in this House pretty long—in fact, perhaps, too long—debates on similar occasions. As to the rule, I do not believe it is quite clear, but I think it ought to be understood in this sense—it seems not to be permitted that any member but the one that puts the question and the one who answers it shall speak. Therefore, the speech of the member who makes the enquiry should not include any debateable question. As I said just now, this is but right, as no other members are permitted to participate in the discussion. Under the present circumstances, I hope the House will permit me to leave it to them to decide what course should be pursued on this occasion.

Hon. Mr. MASSON—Is it understood by your ruling that only the hon. member who makes the enquiry and the one who replies shall be permitted to speak on the subject, because I see it stated here that if the hon. gentleman who asks the question has a right to make a speech, any other Senator may reply ?

The SPEAKER—That is why I said the speech should contain no debateable matter. Bourinot says :

"The observations made on such occasions, however, should be confined to the persons making and answering the enquiry, and if others are allowed to offer remarks these should be rather in the way of explanation or with the view of eliciting further information on a question of public interest."

It may not be a rule, but I think it is a course that could be followed to advantage.

Hon. Mr. KAULBACH—If my hon. friend intended to bring up this subject he might have made a motion for papers in connection with it, and in this way given all an opportunity of knowing what his intentions were, and we could be prepared for a debate, but I did not expect that, on a simple question, the hon. gentleman would spring a debate on the House.

Hon. Mr. DEVER—For 22 years we have had such debates, but they have always been held out of order. I am anxious to hear the hon. gentleman from Shell River, because he always gives us a great deal of satisfaction when he speaks, but as this is a very important question, and as he may be restricted by want of proper form, he should give further notice so that we should all be able to

take part in a debate on this important question. In the past I know we did not regard debates on mere questions as regular. I had a case myself where I asked a simple question and proceeded to discuss it, further, perhaps, than I should have done, and I was called to order, and the debate was spoiled to a large extent.

Hon. Mr. BOULTON—The hon. member from Lunenburg in the course of his remarks objected to my making a speech on this occasion, stating that it was a matter of very great importance to the Maritime Provinces. I have no doubt of its importance to that section of Canada, because it is also a matter of very great interest to the people of western Canada, who have been in the habit of exporting agricultural products to the Island of Newfoundland. It is on that ground, and in that interest, that I am asking this particular question at the present moment. At the same time I feel that Canadians generally cannot but regret the want of cordiality between the people of Newfoundland and the people of Canada of late years. Before making the enquiry I have put on the paper, I desire to review the history of our negotiations with Newfoundland and endeavour to find out where the blame for this want of cordiality lies. It has been generally felt that the blame rests with Newfoundland in this matter, but upon enquiry I am not disposed to take that view, and I feel that it is advisable for us in Canada to show a better disposition in our dealings with the people of Newfoundland than we have displayed in the past. The position of the people of that island in regard to their fishing matters is different from anything that exists in Canada. They are subject to treaty rights, which were accorded to the French under the treaty of Utrecht, and confirmed under subsequent treaties. As years have gone by, encroachments on those rights have been made, and if the Government of Newfoundland had not taken steps in self defence the encroachments would have jeopardized their fishery rights and advantages to an undue extent. In order to check the encroachments of the French on the west coast of Newfoundland and the Island of St. Pierre and Miquelon, the Island Government passed the Bait Act in 1885, in order to prevent the French from procuring bait necessary for the successful prosecution of their fisheries. It is a matter of very great importance to the prosecution of the bank fisheries to be able to get bait, and that bait by peculiar circumstances can only be obtained within the 3-mile limit or shore fisheries; therefore, if the French fishermen are excluded from getting bait they are limited in their ability to catch fish. The reason that the people of Newfoundland took that stand towards the French fishermen was because the latter were supported, by their Government, by a bounty—a large bounty amounting to 10 francs per quintal. French fishermen were allowed to fish alongside Newfoundland fishermen, and they exported their catch to the same markets, with the advantage of 10 francs per quintal in their favour, as against nothing at all paid to the Newfoundland fishermen. While all acknowledge that this is a very unfair position in which to leave any industry in the Island of Newfoundland, there is just this to be said: that our own fishermen in the Maritime Provinces are subjected to the same drawback. They export their fish to the same markets and are subject also to the competition of the French fishermen who are fishing alongside of them from the Islands of St. Pierre and Miquelon. These two islands were given to the French as a shelter for their fishing boats, but I find on looking into the history of the matter that from being merely a place of shelter for French fishing boats, these islands have become a great French trading port.

Hon. Mr. POIRIER — St. Pierre and Miquelon were given to the French by whom?

Hon. Mr. BOULTON—Under the Treaty of Utrecht, and only as a shelter for fishing vessels.

Hon. Mr. POIRIER—Were they not ceded?

Hon. Mr. BOULTON—No, they were accorded to them as a shelter merely, but history shows that instead of being merely a shelter for fishing vessels the islands have come to be used very largely as a trading post. The Bait Act enacted by the Newfoundland Legislature was passed with the view to have the Dominion co-operate, so that our fishermen might not be subjected to the same severe competition from French fishermen—and in fact the Newfoundland Government notified the Canadian Government that a condition of permitting our fishermen to catch bait

within the three-mile limit was that Canada should co-operate with Newfoundland in passing the Bait Act in order to exclude the French fishermen from the privilege. This the Canadian Government refused to do, and the Newfoundland Government were left to work the thing out by themselves. The consequence was that while the fishermen from Newfoundland were precluded from selling bait to French fishermen, our fishermen from the coast of Nova Scotia and Prince Edward Island were entitled to and did sell bait to these fishermen at the islands of St. Pierre and Miquelon.

Hon. Mr. KAULBACH — What proof is there of that ?

Hon. Mr. BOULTON—The proof is in part of the book.

Hon. Mr. MILLER—There is no such proof at all.

Hon. Mr. BOULTON—The proof is——

Hon. Mr. HOWLAN—I think it is about time we should define what debate we are going to have. The hon. gentleman asks a question of the Government. He has a right to get an answer ; but I do not think, until the papers regarding the Newfoundland question are on the Table of the House, that any hon. gentleman is in a position to give an intelligent opinion on the question. If the hon. gentleman takes the usual course of moving for the papers, then we can have a regular discussion ; but I cannot see how, on the enquiry that is before us, he can discuss a lot of facts that are not before the House. In his question he asks the Government whether it is the intention of the Government to resume the commercial status with Newfoundland that existed prior to the last session of Parliament. A commercial status has nothing to do with the fisheries. It is entirely a question of tariff and has nothing at all to do with the question of the fisheries. If the hon. gentleman will give notice of motion for an address to have the papers with regard to the fishery question between the Dominion and Newfoundland brought before the House, then he will be taking the proper course, and I will be prepared to assist him in doing so ; but his own good sense will point out to him that he is now travelling outside of the record.

Hon. Mr. DEVER—That is the reason I asked the hon. gentleman before he commenced his speech to confine himself strictly to the notice on the paper, for I was aware that if he went on to make an explanatory speech he would be called to order because there are hon. gentlemen in this House who certainly do not feel that a speech of this kind should go on without an opportunity being offered for them to reply. I am sorry that the hon. gentleman cannot be permitted now to go on. I believe that his speech will be an able and interesting one and a very beneficial one for the House, but he cannot go on with it under this notice.

Hon. Mr. POWER—I think the hon. gentleman from Shell River is perfectly in order. The hon. gentleman proposed to ask a question and he is now merely explaining to the House the present position of the matter, so that when the answer is given by the leader of the Government, every hon. gentleman will understand the exact position of the question at the present moment. The ground taken by the hon. gentleman from Alberton "that the commercial status" refers only to the tariff is, I think, a very narrow and untenable ground. The relations of our fishermen with the Government of Newfoundland, and the privileges which are allowed our fishermen or refused to them certainly form a part of the commercial condition of affairs existing between us and Newfoundland. I have never known, except in very rare instances, any attempt made to tie a member down as closely as there seems to be a disposition to tie the hon. gentleman from Shell River.

Hon. Mr. KAULBACH—Certainly this is passing beyond the record. We are going back to the history of the rights of the English and French in the waters of Newfoundland. As regards what their rights are—whether they are territorial rights or mere easements—we are not prepared to go into the question to-day, and I think the good sense of the House will admit that this is not a fair discussion. I hope His Honour the Speaker will see that any discussion as wide as this is should be brought up only on regular motion.

Hon. Mr. MILLER—I have no desire to limit discussion, or to limit the hon. gentleman in asking any question that he thinks

proper to bring before the House, but while I can see that the practice of the House has been to permit discussion on bare questions, I consider also the fact is equally understood that such discussions must be relevant to the question. I do not think that discussions irrelevant to the question, or discussions not at all to be anticipated from the nature of the questions themselves, are fair treatment of the House ; and I think the objection raised by the hon. gentleman from Alberton, as to the relevancy of the present discussion, is a very proper one, and I am inclined to agree with him.

Hon. Mr. DEVER — The hon. gentleman had better ask the question, and give notice of motion for some future day.

Hon. Mr. BOULTON—If it is the desire of hon. gentlemen I will withdraw my question.

Hon. Mr. MILLER—Give notice of motion.

Hon. Mr. BOULTON—I will amend my question, and give it as a notice of motion.

Hon. Mr. HOWLAN—The hon. gentleman may withdraw his question and give a proper notice of motion.

Hon. Mr. BOULTON—With the consent of hon. gentlemen I will withdraw my question.

Hon. Mr. MASSON—There is no necessity for a decision on this question now. The session is not nearly at an end, and there is plenty of time to discuss such an important matter.

Hon. Mr. MILLER — There is another serious objection to which the attention of the House has been called by the senior member from Halifax. There is no precedent on our records for a discussion commenced upon a simple question such as this being continued from day to day, and as there is a probability, from the interest taken in the question by many hon. gentlemen, that this discussion may occupy several hours, it would be very unfair to drop it, and it would be establishing a bad precedent if we were to continue the debate in this irregular way on this enquiry.

Hon. Mr. ABBOTT — I understand the question which my hon. friend has put on the paper, and if he desires an answer to that question I will give it to him now, and he may make his motion for papers afterwards.

Hon. Mr. BOULTON—I beg leave to withdraw my question.

With the consent of the House the question was withdrawn.

The Senate adjourned at 4.30 p.m.

THE SENATE.

Ottawa, Tuesday, March 22nd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

GEOLOGICAL SURVEY DEPARTMENT BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (A) "An Act to amend the Acts respecting the Department of the Geological Survey." He said : The object of this Bill is very plain from its terms. By the original establishment of the Department of the Geological Survey, it was made a sort of appendage of the Department of the Interior. The Minister of the Interior will have his duties increased under an Order in Council lately passed, by having entrusted to him the management of the Immigration Department, the reason being, of course, that the two departments are very closely connected with each other—that the Department of the Interior has the sale of the lands which the Immigration Department has the duty of bringing people to purchase, and the number of employees can be very much restricted, and many other advantages will accrue from the change which, when the matter comes up, I will be able to explain ; but in the meantime, in order to prevent the Department becoming too bulky, it is proposed to place the Geological Survey under another Minister. The Minister who is to take charge of it has not yet been decided upon, and it is intended not to make the rule too rigid, and require it to be referred to a particular Minister. The direction of his studies, and his experience, may make one Minister better fitted to fill the position than another, and for that reason it is proposed to leave it to the Governor in Council to allot the Department to the

Minister that he shall deem best fitted for the purpose. This is the only change that is made in the Act.

The motion was agreed to and the Bill was read the second time.

THE WRIGHT DIVORCE CASE.

The Order of the Day having been called for consideration of the second report of the Select Committee on Divorce *in re* the petition of James Wright,

Hon. Mr. GOWAN said: I do not know that I can add anything to what I said yesterday in moving the adoption of the report, except to give the exact case. The notice in the *Canada Gazette* required by the rule was first given on the 12th September last, and was published for the full period of six months. At the same time the solicitor in charge of the case, who resides in Ontario, sent notices to two papers in Manitoba, a French paper and an English paper, for publication, but owing to some unfortunate mistake in the office the notices were not published immediately, but they have been published for a period of five months. They were some four insertions short of the regular time; but there was personal service made by the petitioner, on the 5th day of February last, upon the respondent. In view of all these facts, the committee were unanimous in thinking that the very spirit of the rule had been complied with, and they made their report accordingly. I now move the adoption of the report.

Hon. Mr. POWER—I asked yesterday to have the consideration of the report of this committee deferred until to-day, and the time which has been given for further consideration leads me to think that it would not be prudent on the part of the House to adopt the report now. I do not propose to refer to Rule "D," which speaks of the notice which has to be given for six months. I find that Rule "I" deserves the attention of the House:

"The petition when presented shall be accompanied by the evidence of the publication of the notice as required by Rule "D," and by declaration in evidence of the service of a copy thereof as provided by Rule "E," and by a copy of the proposed Bill. The petition, notice and evidence of publication and service, the proposed Bill, and all papers connected therewith, shall thereupon stand as referred, without special order to that effect, to 'The Select Committee on Divorce.'"

Then, Rule "J" says:

"It shall be the duty of the committee to examine the notice of application to Parliament, the petition, the proposed Bill, the evidence for publication, and of the service of a copy of said notice, and all other papers referred therewith, and if the said notice, petition and proposed Bill are found regular and sufficient, and due proof has been made of the publication and service of the said notice, the committee shall report the same to the Senate. If any proof is found by the committee to be defective, the petitioner may supplement the same by statutory declaration, to be laid before the committee."

Now, Rule "I" apparently does not suppose that this petition is to be referred to the committee until the proper evidence has been submitted, that notice has been published according to our regulations, in the official *Gazette*, and the local newspapers. The provision made in Rule "J" for supplementing evidence does not apply to that, and the hon. gentlemen who sat on the committee which drafted these rules will remember what Rule "J" refers to, as to supplementing evidence, is to the establishing of the fact that service had been effected. We had a rule previous to the adoption of these rules that the proof was to be made by affidavit, and Rule "J" was to deal with that case. It strikes me that it would be imprudent for us to allow the rule to be relaxed in this case. It may appear that not much harm can be done to anyone by the relaxation of the rule; on the other hand, the respondent in this case may have been prevented from appearing here, just because she was informed that the notice was not the notice required by the Senate, and which had always been required. It is a rule that has always been strictly enforced, and I wish to call the attention of the House to a case which was before Parliament in the session of 1885. I find that on Wednesday, the 11th of February, 1885, the hon. gentleman from Alma division moved that the 72nd Rule be dispensed with in so far as it relates to the petition of George Brantford Cox, as recommended by the Fourth Report of the Committee on Standing Orders and Private Bills. Objection was taken by the hon. gentleman from Ottawa. Then the leader of the Government, who was at that time Minister of Justice, said that he was

disposed to look at the matter in the same way as the hon. gentleman from Ottawa, and at the suggestion of the Minister of Justice the motion was postponed until the second day after, in order to afford members time to consider the question. Then on the day to which the report of this committee had been postponed, the hon. gentleman from Alma division moved for a suspension of the rule in accordance with the report of the committee. Then the Minister of Justice, and leader of the House, who had in the meantime looked into the matter, gave an opinion with respect to this motion, which is just as applicable to the case now before the House as it was to the Cox divorce case, and I think the House probably will not feel that I am trespassing too much upon their time if I take the liberty of reading the greater part of the short speech that was made by Sir Alexander Campbell on that occasion :

"Hon. Sir ALEX. CAMPBELL—I am sorry to be unable to agree with my hon. friend from Montreal, who asks us to suspend the rule in this particular case. In reference to an ordinary Bill we suspend the rules very frequently in compliance with a recommendation of this kind in the report of the Committee on Standing Orders and Private Bills, but in these divorce cases we are, strictly speaking, a court, there being no other court competent to discharge that duty in any part of the Dominion, and we ought to follow strictly the rules which have been laid down. Naturally, it occurs to my learned friend from Montreal, who is a layman, that six weeks' notice is just as good as seven, since the evidence establishes that the respondent has been served with proper papers, and that therefore this irregularity is of no consequence ; but you cannot deal with a subject of this kind in that light way. If you can throw off one week, why not two, and if two, why not three, or four, or five, or the whole notice ? The only safe course to take is to require that the rules of the House be rigidly observed. We do not know what dangers the party may have been exposed to, or what may have been the result of the failure to publish during that one week, and therefore as the parties themselves are to blame for this omission, and as they might have taken the necessary precaution, and as it is by their own negligence and default that it occurred, it seems to me the House should be clear of all blame in the matter, and should see that the rules, which were laid down after deliberation, and for the express purpose of giving all parties full notice and warning, and an opportunity of coming here, are strictly observed. We should take extreme care in granting these divorces. It is one of the most important decisions which can be given affecting the relations between man and wife, and that serious step should not be taken without seeing that every form is strictly complied with. I hope the day is long distant when there shall be any relaxation of the rules which protect persons in the state of matrimony, and that we shall never reach the condition of affairs which prevails in the United States, where, it has been remarked, in some states the railway trains stop ten minutes for divorces. Let us adhere to the rules which have been laid down for safety and which are necessary."

Then the leader of the House urged that there would be yet time to proceed with the Bill during the current session, even though the matter was deferred until the notice had matured, and he recommended that the Bill be deferred. The hon. gentleman from Alma division then moved that the Order of the Day be discharged and that the petition be referred back to the committee, which was done, and the petition came up again when the time for the notice had expired. I find also, from the official report, that the hon. gentleman from Lunenburg, who, I understood from the chairman of the committee, seconds the motion that he has just moved, used this language after Sir Alexander Campbell had spoken :

"Hon. Mr. KAULBACH—I fully agree with the Minister of Justice that we should not relax our rules in this case. If we do so now, we cannot say how far we shall go in this direction in the future. I cannot see how any injury can be done to the parties in this case, because there is ample time to apply to the Private Bills Committee again and get justice this session. I do not think this is a case in which the principle *de minimus non curat lex* applies. I do not look upon this omission as a trifle, and I believe that the rules of the House should be strictly adhered to and given full effect to."

It appears that the notice in the case now before us is about a month short. In the Cox case the notice was, I think, only a week short ; but there is this to be said in the present case also : that the six months' notice required will expire during the next month. The first notice in the Manitoba papers was given on the 12th October, so that the six months will have expired on the 12th April next, and there will be still time enough to deal with the Bill during this session. But to say that we shall drop off a month's notice this year might be to open the door to very serious irregularity and laxity of procedure in the future, and I think the better course for the House to adopt now is the

course adopted in 1885, on the recommendation of the Minister of Justice of that day.

Hon. Mr. OGILVIE—There is this difference, however, between the two cases: in the case referred to by the hon. gentleman from Halifax, the notices were short in the *Canada Gazette* as well as in the other papers. In this case the notice in the *Canada Gazette* was complete; and it was simply through an inadvertence of the lawyer in Toronto that the notices were not sufficient in the Manitoba papers. I know other instances where the rule was passed over, although the notices in the official *Gazette* were short through the fault of the Queen's Printer, Mr. Brown Chamberlin.

Hon. Mr. KAULBACH—I think we had the other day before us in the committee one or two precedents in which the strict rule was not complied with, and the House sanctioned the recommendation of the committee. It was upon those findings that I consented to go with the majority of the committee on the report they have made in this case. I think we should take every case practically on its merits, and in this case it appears that it was only one of the papers in Manitoba in which the notice was short.

Hon. Mr. POWER—Both papers.

Hon. Mr. KAULBACH—I think I have seen other cases in which the strict compliance with the rule was departed from in this House.

Hon. Mr. CLEMOW—Do I understand the hon. gentleman from Halifax to say that the notice in the two papers continues to be published?

Hon. Mr. POWER—Yes.

Hon. Mr. CLEMOW—If that is the case it will only require till the 12th April to complete the notice, and there is no hardship in allowing the matter to lie over until then.

Hon. Mr. GOWAN—I do not know what authority my hon. friend has for saying that the notices are still published. If they are not, and we did not proceed now, it would have the effect of throwing the Bill over until next session.

Hon. Mr. POWER—My authority for stating that the publication of the notices is continued is the Law Clerk. I asked him expressly.

Hon. Mr. MASSON—The promoter of the Bill should be in a position to know whether such is the case or not.

Hon. Mr. CLEMOW—I have no objection to the report remaining over until to-morrow with the consent of the House, in order that we can make enquiry. I think I understood from the lawyer who is in charge of this case that the local notices are still being published.

Hon. Mr. READ (Quinte)—The committee has proof of personal service of notice upon the respondent.

The Order of the Day was allowed to stand over until to-morrow.

The Senate adjourned at 4.25 p.m.

THE SENATE.

Ottawa, Wednesday, March 23rd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE TRADE OF CANADA.

MOTION.

Hon. Mr. BOULTON moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a Return showing the exports of Canada, namely:—The total value of the exports of Canada under their various headings, from 1868 to 1879 inclusive, and from 1880 to 1890 inclusive, and where available, showing quantities, and percentage of the exports in the two periods per head of the population. In agricultural products, live stock and provisions, showing exports of two periods from 1879 to 1884 inclusive, and from 1885 to 1890 inclusive. In the case of live stock, showing the numbers, total value, and average value per head of the animals shipped to the United Kingdom and the United States respectively, from the years 1879 to 1890 inclusive, being the produce of Canada.

Also showing, according to the British Board of Trade returns, the number and value of cattle and sheep shipped to the United Kingdom from the United States and

Canada, during the years 1889, 1890 and 1891, the average value per head respectively at British ports, and so far as can be ascertained, rates of ocean freight and charges per head. In the return, distinguishing between coal exported from Atlantic and Pacific seaboard.

Showing the total capital invested in manufacturing, distinguishing the manufacturers engaged in manufacturing the produce of the country, such as, gristing, saw-milling, paper pulp, leather, &c., from the manufacture of raw material imported from abroad.

The value of pig iron produced in Canada in the last year of record, quantity and value per ton—ditto steel.

The increase in the national debt since 1878.

The increase in loans made by loan companies since 1878.

The increase in the liability for railway construction, incuding bonds, mortgages, &c., since 1878.

The population and percentage of increase according to the census of 1871, 1881 and 1891.

He said: The object of this return is to get official information with regard to these various items, so that in the event of their being brought forward we will be in a better position to discuss the matters to which I have called attention. The return which I ask for is not extensive. The details are all in the statistical year book, and all that is required is to add the various columns, according to the periods I have mentioned. They are the figures that I gave to the House in my speech in the debate on the Address. In that form they may not be exact, but coming from the statistician they would be impressed with the authority of the Government, and it is for that object that I ask for the return down to the present moment.

Hon. Mr. KAULBACH—Do not the blue books contain the official information that my hon. friend calls for?

Hon. Mr. BOULTON—The blue books do not give this information in such form as I require it. The exports of the country, from 1868 to 1890 inclusive, appear in a number of columns; what I want is to have these returns added up for certain periods. It is merely a question of addition and bringing forward the amounts.

Hon. Mr. ABBOTT—I think the question of my hon. friend from Nova Scotia was very relevant to this motion—as to whether all these figures do not really appear in the published reports. In fact, I think they do, so far as regards the exports. The details called for by the first paragraph can be found in the various books that have been published during the last twenty-three years, and in order to prepare the report that the hon. gentleman calls for, I am informed that if the ordinary routine work of the statistical branch of the Customs Department—the export section of it—were suspended altogether, the return asked for by this motion would occupy the time of all the export clerks for one month at least—usual work running in arrear all the time—and I understand the volume that would be created by this would be nearly twice the size of the Auditor General's report. I know nothing about it myself, but that is the reply which has been given to me by the department. As to the second paragraph, the British returns for 1891 have not yet been received from England. Probably the returns would include the number and value of cattle shipped to the United Kingdom from Canada and the United States for the periods mentioned, but they have not yet been received for 1891. I suppose the last sentence in the second paragraph, which relates to coal exported from the Atlantic and Pacific seaboard, is misplaced. This paragraph applies to shipments of cattle.

Hon Mr. BOULTON—Yes; that sentence is misplaced.

Hon. Mr. ABBOTT—I presume it applies to the first paragraph. With regard to the third paragraph, which calls for a return showing the total capital invested in manufacturing, &c. This is now in process of being made up from the census returns, and as soon as it is ready it will be laid on the Table. It is exactly what my hon. friend asks for. The value of pig iron produced in Canada in the last year of record, &c., and the rest of these items, will be found in very convenient form in the blue books. My hon. friend will perceive that this return which he asks for would cost a very large sum indeed, and would require the employment of a large number of special clerks. The cost would run into the thousands, and since the information can all be found in the blue books, it seems to me too large a demand for my hon. friend to make. Moreover, though there are some portions of it that could be conveniently given, and

might be useful as a sort of summary, other portions called for cannot be given at all. I am not disposed to object to my hon. friend's motion passing, but I should like it to be understood that these details cannot be furnished and that the Government will make the best return in their power. A summary of exports may be given, but the details that the hon. gentleman asks for are altogether too comprehensive, and it would be quite impossible to give them this session.

Hon. Mr. BOULTON—The hon. gentleman has mistaken the object of the return that I have asked for. All that the motion calls for can be furnished by any member of the statistical staff in one day. Perhaps I might have been a little more explicit, and stated that what I want is a return, taken from the statistical year book, to be found under different heads and which only require to be added together for the different periods. The return relating to manufacturing is not in the statistical year book, but the hon. gentleman has informed the House that it is in course of preparation and will be forthcoming. With regard to the British Board of Trade returns, the information for 1889 and 1890 can be furnished: the returns for 1891 are not so important, with regard to the question that I propose to ask. I do not wish the hon. leader of the House to suppose that I am calling for anything that would take months to prepare. I ask for nothing that I could not furnish myself in half a day, and I merely call for these returns in order that they may have the official stamp.

Hon. Mr. ABBOTT—I sent the hon. gentleman's motion to the department, and have given the reply on the report as it reads. It did appear to me that an enormous mass of details is called for under the head of the first paragraph. I would suggest to the hon. gentleman that if he would send a note to the department, or, better still, call at the department and point out what would be satisfactory to him, we will have great pleasure in furnishing the information if it can be done within a reasonable time.

Hon. Mr. DICKEY—I think the House ought to consider what is due to itself before passing such a motion as this, after the explanation that has been given by the Prime Minister. It appears by his statement, and is acknowledged by the hon. gentleman who makes the motion, that all this information can be procured by any one who chooses to take the trouble to collect it. Should we impose on the officers the duty of collecting all these details at an enormous expense, according to the terms of the motion? If we put on record such a motion as this we should consider the effect of it on ourselves as well as on the finances of the country. We are occasionally exposed to attack, and we ought to feel, at all events, when we are assailed that we are in the right; but could we justify having solemnly passed a resolution like this, imposing such a duty on the Government, when it is perfectly evident from the hon. gentleman's explanation that he can get all the facts from the blue-books with very little difficulty. Why should we be asked, for instance, to pass a motion calling upon the Government to furnish details from the British Board of Trade returns? Surely these returns are accessible to the hon. gentleman; he has only to walk to the library to get them. We will be stultifying ourselves and establishing a bad precedent, which may be acted upon hereafter, if we adopt this motion. In saying this, I have no desire that the information should be withheld, but simply to keep ourselves right in the matter of expense. I would not be discharging my duty if I did not call the attention of the House to the injury which the adoption of this motion might cause us in the future.

Hon. Mr. MILLER—It is quite a usual thing for the Government, in accepting a motion of this character, to define the limits within which they will consider themselves bound by it. It would be as well, perhaps, to have requested the hon. gentleman to amend his motion in accordance with the explanation of the Prime Minister; but as the leader of the House has agreed to give the information, subject to the conditions mentioned, I do not suppose there is any objection to the address being adopted.

The motion was agreed to.

THE BEHRING SEA SEIZURES.

ENQUIRY.

Hon. Mr. READ (Quinte) enquired

If the British or Canadian Government is to bear the expense of indemnifying the

British sealers for damages sustained after being warned against killing seals on the high sea last year ?

Hon. Mr. ABBOTT—This matter has been under discussion between the two Governments, more or less, since the date at which the order was made for the restriction of the killing of seals last year. The correspondence is not in a shape to be brought down, and I am not myself in a position to explain exactly the state of the negotiations, but I dare say my hon. friend will understand or divine for himself the position which the Canadian Government has taken on that question.

DEVELOPMENT OF THE SEA FISHERIES BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (5) "An Act further to amend chapter 96 of the Revised Statutes, intituled : 'An Act to encourage the development of the sea fisheries, and the building of fishing vessels.'" He said : This is a short Bill to repeal a clause in the Fisheries Act which had been found impracticable, and has fallen into disuetude, and it ought not to remain on the statute book. The provision of the statute as it stands is, that a statement should be laid before both Houses of Parliament, showing the mode in which it is proposed to distribute the fisheries bounty the following year. It is found to be impossible to discover the mode in which the bounty is to be distributed until we know the mode of fishing that is to be adopted, and the purpose of exercising a proper check upon the disposition of this money it is thought will be attained by the next clause of the Act, which requires that a statement shall be submitted to Parliament the following session.

Hon. Mr. POWER—I do not propose to oppose the second reading of the Bill, but I presume that as this Bill is going through at a very early stage of the session, the hon. gentleman will let the committee stage stand over until next week.

The motion was agreed to, an the Bill was read the second time.

DEPARTMENT OF MARINE AND FISHERIES BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (12) "An Act respecting the Department of Marine and Fisheries." He said : This is a Bill in reality to restore the Department of Marine and Fisheries to its former condition. It has practically been two departments, and it is proposed to constitute it one department again, having, of course, jurisdiction over the two subjects, marine and fisheries. That is really the only change which is effected by this Bill.

Hon. Mr. POWER—I do not suppose there is to be any opposition to the second reading of this Bill, but it is an instance of a peculiar kind of legislation. The legislation is apparently general in its character, but anyone who looks beneath the surface will see that this measure and the Act which it proposes to repeal are both of a personal character.

Hon. Mr. ABBOTT—Personal ?

Hon. Mr. POWER—Yes. The gentleman who was at one time Minister of Marine and Fisheries had the department subdivided into two branches, Marine and Fisheries. It was understood amongst the Civil Service, and amongst members of both Houses, that the object of that division was to give to a gentleman to whom that Minister of Marine and Fisheries was rather partial, an important office. That gentleman was made Deputy Minister of one of the branches, and continued to be Deputy Minister of that branch for some years ; but now, not a new Pharoah, who did not know Joseph, but a new Minister who is not so much attached to the particular Deputy in question, has arisen, and he thinks it is desirable to eliminate the Deputy Minister whom his predecessor had looked upon with eyes of favour ; and this Bill is introduced for the purpose of eliminating the obnoxious deputy, the deputy in question having a retiring allowance made to him which will be a very considerable charge on the public revenue at the same time. I admit that I see no reason why there should be two departments, as it was found that one department could do the work satisfactorily ; and as the present Minister is an energetic, painstaking and capable Minister, the work of the Department is not likely to suffer. However, I think it is just as well that we should understand the character of the legislation.

Hon. Mr. KAULBACH—I cannot understand the hon. gentleman's remarks.

Hon. Mr. POWER—If I may be allowed to remark, I cannot furnish the hon. gentleman with understanding.

Hon. Mr. KAULBACH—The understanding that the hon. gentleman has is one that he ought not to possess. He should tell us the motives that prompted the Minister of Marine and Fisheries to bring these two departments into one again. It should be sufficient to my hon. friend that it is considered wise, and in the public interest, and less expensive to amalgamate the two branches. If the hon. gentleman would exercise his brains a little more in studying out the working of the Department it would be better than fishing to find out something as to the relations that exist between the officers of that Department.

Hon. Mr. SCOTT—I think the remarks of the hon. gentleman from Halifax will be well understood by every hon gentleman in this House. It is quite apparent to anyone who looks at this question that the statement of facts made by the hon. gentleman from Halifax is confirmed by the legislation. I have in my hands the Act which was passed for the express purpose of appointing two deputy heads when the Department was divided, and it was well known at the time, and was a matter of public notoriety, the reasons for it, and the reasons for uniting these branches again have been discussed in the press, and I think every gentleman in this Chamber perfectly understands the whole question without our going into the personal features of it.

Hon. Mr. KAULBACH—Newspaper gossip.

Hon. Mr. ABBOTT—I think my hon. friend should change his phrase. He says "every hon. gentleman perfectly understands." I think my hon. friend had better say that some hon. gentlemen imagine these reasons for the change in the Department. I must confess I am one of those gentlemen that do not understand the cause of the change in the Department. If any hon. gentleman wishes to investigate the cause of the change, no one better than the gentleman opposite knows how it can be brought about; but I can assure him and all hon. gentlemen that the change in the constitution of this Department was determined upon before any question arose as to the performance of his duties or the conduct of the late Deputy Minister.

The motion was agreed to, and the Bill was read the second time.

GEOLOGICAL SURVEY BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (A) "An Act to amend the Act respecting the Department of the Geological Survey."

Hon. Mr. TASSE, from the committee, reported the Bill without amendment.

The report was adopted, and the Bill was then read the third time and passed.

Hon. Mr. POWER—I wish to say that the remarkable speed with which this Bill has gone through its final stage should not establish a precedent. I think the Bill should not have been read the third time immediately after being reported from committee.

Hon. Mr. ABBOTT—Since I have been in the House I have never heard an objection raised to a Bill being read the third time after being reported without amendment, when no objection was raised to it.

THE WRIGHT DIVORCE BILL.

REPORT REFERRED BACK TO COMMITTEE.

The Order of the Day having been read for consideration of the second report of the Select Committee on divorce *in re* the petition of James Wright,

Hon. Mr. GOWAN said: When my hon. friend from Halifax yesterday referred to the Cox Divorce Bill I had an imperfect recollection of it, but I had sufficient knowledge of it to convince me that it was disposed of upon more substantial grounds than those on which he thought it was, and since then, on looking into the case, I find that it is very distinguishable from that now before us. The matter of advertisement was not the main point to which objection was taken; it was only an incidental point. The service of the notice was radically defective in many particulars, as will be seen when I read a portion of what Sir Alexander Campbell, the leader of the Government, said:

"I think in a case of this kind where the notice is not complete or satisfactory, and where the identification is not thorough, we should exercise extreme care. I have read these papers again, because I was anxious to facilitate my hon. friend in the matter if I

could, and it does not appear to me that this notice which was served on Mrs. Cox is a true copy, or a copy at all, of the notice which appeared in the *Gazette;* neither would it be possible, I think, to prefer satisfactorily an accusation of perjury or false declaration against the person who makes the original declaration of service, because, although I dare say he served it, his declaration is made before a notary public in the United States, which is not provided for in the statute; so the evidence of notice served on the parties is not satisfactory."

In the case now before us the affidavit of service is made before a public functionary in Canada, and the person who made the affidavit of service says that the respondent told him that she had been married to the petitioner, and that she had left him, and had ever since been living with one Soper as his wife, and had several children by him. Certainly there could be no want of knowledge on her part that these divorce proceedings were going on. But my hon. friend presumes that she was reading the papers and knew that the published notice was short in point of time. When she was served in February last, it is strange that no reference was made by her to any want of notice. The object of this requirement of publication of notice is to inform the parties interested, and to inform the public of the proceeding. My hon. friend has taken this objection. All I can say is, that the committee considered the matter fully, and were satisfied by the evidence before them that what was done was all that was substantially necessary, under our rules, to bring home notice to the party affected, and to give full notice to the public. My hon. friend opposite has very strong feeling in these matters, and I deeply respect the honest convictions of any and every man; but we live in a mixed community and there are those in this House, and a large number outside of this House, who do not see any wrong in divorce, and do not think it contrary to the law of God to assert their right to obtain divorce under the sanction of the British North America Act. My hon. friend would not like to see Parliament divest itself of the power to grant divorce, and hand it over to a court. He would not like to see divorce made part of the general law of Canada, which it is not now, but which it would be if it were delegated to the courts. While parties have the right to come here, I think they should be received with reasonable consideration, and ought not to be unnecessarily interfered with in their efforts to obtain relief. If the parties who seek for divorces find that they are subject to upsets of this kind, I think my hon. friend from British Columbia (Mr. Macdonald) would find more supporters than he secured last year for a Bill to establish a divorce court, if he should think proper to reintroduce such a measure. However, I have no feeling in the matter, and my object has simply been to show that the committee have endeavoured conscientiously and honestly to do their best in the interests of justice. I quite understand the position of a committee of this House: we are but the creatures of the Senate, and our conduct may or may not be approved, and I am quite prepared to submit with good grace to whatever the House may decide; or if my hon. friend who has charge of the Bill thinks that there would be no injury to the petitioner in the matter by reason of putting off the consideration of this report for a short time until the regular notice can literally be completed, I have not the slightest objection, personally, to have the report referred back to the committee again. I leave the matter entirely in the hands of the House.

Hon. Mr. POWER—I am glad to hear the hon. chairman of the committee express the opinion that, under all the circumstances, he would have no objection to allowing this Bill to be referred back to the committee to wait there until the required notice has expired. I think that is a better way altogether. The hon. gentleman made some reference to my views on divorce. I can assure him that whatever my individual views on the subject of divorce may be, I would not do anything to try to interpose technical objections where the rules of the House had been complied with. But suppose the thing which the hon. gentleman hopes will not take place should happen, and that this matter of divorce was to be handed over to a court, does the hon. gentleman not think that a court would require that its rules with respect to service of the notice, &c., should be strictly complied with?

Hon. Mr. GOWAN—Certainly; substantially complied with.

Hon. Mr. POWER—All that I ask is that the rules of the House with respect to notice shall be strictly complied with. The

hon. gentleman read the concluding portion of a speech made by his former leader, then Minister of Justice, in the case of the Cox Divorce Bill. I did not read that part of Sir Alexander Campbell's speech, for this reason: On one day (I think Friday) Sir Alexander Campbell called the attention of the hon. gentleman from Alma division to the fact that the notice was short, and on the second day, when he made the speech, the latter part of which the hon. gentleman has quoted, he dealt solely with the question of notice, and having expressed a strong opinion that owing to the fact that the notice was not sufficient the petition should not be proceeded with, he went on to give these additional reasons; but the portion of Sir Alexander's speech which I quoted dealt solely with the question of notice. The hon. gentleman has met the difficulty by expressing his willingness to let the report be referred back to the committee and wait until the notice has matured. I move that the Bill be referred back to the committee for further consideration.

Hon. Mr. CLEMOW—I regret that the hon. gentleman from Halifax should continue his opposition to this Bill, seeing that although a slight irregularity has taken place, it is not of a character to affect the general principle. The notice has been published six months in the *Canada Gazette*, and the only party interested has been personally served. I cannot understand why any further delay should occur. If this report is referred back, no further step can be taken for the next fourteen or fifteen days, and that may imperil the passage of the Bill. We know that irregularities occur frequently in these matters — that often the time of a private Bill is extended—and if we raise these little technical difficulties on every occasion I do not know where we will end. I hope the hon. gentleman will give way and let the Bill take its course. If he does not, of course I do not intend to divide the House on the subject. I know that he is right technically, and if I could see any injury that could be occasioned by the adoption of this report now, I should not ask for it. Possibly we will have a very short session, and by delaying the Bill we may deprive this unfortunate man of the relief that he seeks from the Senate.

Hon. Mr. BELLEROSE—If this Bill were in the public interest a case might be made out for setting aside the rules, but I understand that a majority of the Senate, though in favour of divorce, is inclined to discourage these Bills. Now, if we are not to encourage divorce Bills, we must demand in all cases that our rules be strictly complied with, and I think, therefore, that this Bill should be referred back to the committee.

Hon. Mr. POWER—I should be glad to do anything I could to oblige the hon. gentleman from Rideau division. There is no member of this House that I would rather oblige, but seeing that my objection is based altogether on the action taken by the hon. gentleman who was his leader in this House for many years, a high legal authority, he could not expect me to depart from that good example, even at his request.

The amendment was agreed to.

The Senate adjourned at 4.20 p.m.

THE SENATE:

Ottawa, Thursday, March 24th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

AN ADJOURNMENT.

MOTION.

Hon. Mr. LANDRY moved—

That when the House adjourns this day it do stand adjourned until Tuesday, the 29th inst., at 3 o'clock in the afternoon.

Hon. Mr. KAULBACH — My hon. friend should give us some reasons for this adjournment. I see in the other House they have decided to adjourn over until Monday, and the same might be done here. The hon. gentleman's proposal seems unreasonable. We have been in session for a month now, and we should have some work before us to do. I move in amendment that when the House adjourns to-day it stand adjourned until 8 o'clock on Monday evening.

Hon. Mr. VIDAL—It has been an invariable and, I think, a proper custom in this Senate, before agreeing to an adjournment beyond the ordinary routine, to know from the leader of the House whether the public business would be at all injured by the ad-

journment. It is very essential that we should hear from the hon. Premier whether, in his opinion, the House should meet before the time suggested.

Hon. Mr. ABBOTT—I was about, when my hon. friend rose, to say what I thought about the motion and its amendment. I am not disposed to favour the adjournment over Monday; I should have preferred to see the adjournment until Monday at 3 o'clock, because, in point of fact, to-day is private members' day in the House of Commons, and we shall probably have some Bills on Monday from both private members and the Government. Then there is this debate, which commences this afternoon. I hope it will be over by six o'clock; but I do not know that it will be, and if we adjourn it will delay the conclusion of the debate. The amendment certainly has some reason for it, because gentlemen from Ontario would have to leave home on Sunday evening to be here in time for Monday at 3 o'clock, but they can arrive here in time for the evening session by leaving on Monday morning.

Hon. Mr. PELLETIER—Members from Quebec would have the same difficulty; they would have to leave Sunday evening to be here in time.

Hon. Mr. MILLER—These adjournments are always for the benefit and pleasure of gentlemen who live near the capital. They are not at all pleasant to members from other parts of the Dominion, who have to stay here, and if hon. gentlemen only knew how lonely we feel, how we miss their society when they go, they would not inflict us with this sort of thing too frequently.

The amendment was agreed to.

THE AIKINS DIVORCE BILL.

FIFTH REPORT OF THE COMMITTEE ON DIVORCE.

Hon. Mr. GOWAN, from the Select Committee on Divorce, presented the fifth report, which was read at the Table, as follows:—

"With respect to the Bill intituled: 'An Act for the relief of James Albert Manning Aikins,' your committee having carefully considered all the circumstances of the case, and it having been shown in evidence before them that it will be impracticable to serve a copy of the said Bill, and notice of the second reading thereof, upon the respondent personally, recommends that service thereof may be made by mailing the same post paid and registered, addressed to Mary Bertha Aikins, care of each of the following parties, viz: T. E. McLelan, Truro, N.S.; Gordon W. McLelan, St. Catharines, Ont.; Mrs. A. W. McLelan, Truro, N.S.; C. W. Blanchard, box 139, Laredo, Texas; and also by addressing copies thereof to the said four persons respectively."

He said: In this case application was made to the committee, under the Rule , to be allowed to make substitutional service. The committee found that it came fairly within the terms of the rule. After personal service was made upon the respondent, she and her alleged paramour went to Mexico, and it is purposed in this application to allow service to be made upon two of her brothers, and upon her mother, and addressed to herself in Mexico, where it is supposed she is, and where one of her relatives said she might be found. I move the adoption of the report.

The motion was agreed to.

THE MEAD DIVORCE BILL.

SIXTH REPORT OF THE COMMITTEE.

Hon. Mr. GOWAN, from the Select Committee on Divorce, presented the sixth report, which was read at the Table, as follows:—

"With respect to a Bill intituled: 'An Act for the relief of Herbert Remmington Mead,' your committee have carefully considered all the circumstances of the case, and it having been shown in evidence before them that it will be impracticable to serve a copy of the said Bill, and notice of the second reading thereof, upon the respondent personally, recommends that service thereof may be made by mailing the same post paid and registered addressed to Mrs. B. M. Morris, care of J. M. Harris, Rancher, Halbut, Montana; and to B. M., care of Dr. McFarlane, 21 Leavenworth street, Waterbury; and to the said Dr. McFarlane."

He said: This is a case coming under the same rule as the previous one. The respondent was served personally with notice of the application. She is now living under a feigned name in the United States, and cannot be served personally with a notice of the second reading of the Bill. The committee, therefore, recommend that the same course be followed as recommended in the previous case, that there shall be a substitutional service.

Hon. Mr. POWER—I did not catch the reason given by the hon. chairman of the

committee for not having personally served in this case. I understand the reason in the other case was a satisfactory one, that the parties had taken ship for some unknown port, but in this case I do not understand that that is the fact. I understand that the party is living in a civilized country, and I do not think there is any reason why the rule should be dispensed with.

Hon. Mr. GOWAN—It was with the very greatest difficulty that she was found before and when her agent, or the person who knew her, gave the information as to where she was and the initials by which to address her, a letter and notice was sent. Fortunately she answered that by saying that she had received notice; otherwise it would not be known where she was. There is ample ground to warrant substitutional service.

Hon. Mr. POWER—The hon. gentleman has not stated what the insuperable difficulty is in the way of serving the respondent. I understand she is living in one of the Western States. It is sometimes difficult to serve a notice in a mining camp, but this lady is not living in a mining country.

Hon. Mr. KAULBACH—It was proved before the committee that she has changed her place of abode and it is not known where she is.

The motion was agreed to.

THE CONTINGENT ACCOUNTS OF THE SENATE.

FIRST REPORT ADOPTED.

Hon. Mr. READ (Quinte) moved the adoption of the first report of the Select Committee on Contingent Accounts of the Senate. He said: This report recommends that the quorum of the committee be reduced to nine members, and that William Tubman, John Whitmore and William O'Neil be appointed sessional messengers, and that John W. M. Wilson be appointed page. From the resignation of one messenger, the incapacity of another and one vacancy, it was found necessary that these three messengers should be appointed.

Hon. Mr. MILLER—The resignation of two messengers.

Hon. Mr. READ—The hon. gentleman is correct. Then there is the recommendation that John W. M. Wilson be appointed page to fill a vacancy on the staff.

Hon. Mr. KAULBACH—I did not know of any such vacancy. I understood the number of pages was five.

Hon. Mr. ABBOTT—It was five last session. I do not know that there is any necessity for the appointment of another page. I think we have enough, and from my knowledge of the House I should think we have also a sufficient number of messengers to do the work.

Hon. Mr. MILLER—There is no addition to the messengers.

Hon. Mr. KAULBACH—There are three appointed.

Hon. Mr. MILLER—In the places of Robitaille, Wilson and O'Brien.

Hon. Mr. KAULBACH—I understood the chairman of the committee to say there were only two resignations. Unless some necessity can be shown for the appointment of the additional page I shall move that the report be referred back to the committee for amendment.

Hon. Mr. MILLER—The committee decided almost unanimously that it would be advisable to appoint another page, as two of the pages must go off before next session.

Hon. Mr. ALMON—I have often been struck with the number of pages idling about. If these lads could have their education going on—if the English pages could be learning French and the French pages learning English—it would be better than to have them doing nothing. I think it is Isaac Watts who says that "Satan finds some mischief still for idle hands to do." I think, without any great expense, some of the senior clerks about the House could be appointed to give those pages lessons.

Hon. Mr. ABBOTT—Last session and the session before, the Contingent Committee before making any appointments, gave notice to its members of the intention to do so. That is a most convenient rule, and one which should be followed. We had five pages last session, and we found them sufficient. The rule was that half of them were out of the

House, but we were able to get on with those that remained.

The motion was agreed to.

The Senate adjourned at 4 o'clock.

THE SENATE.

Ottawa, Monday, March 28th, 1892.

The SPEAKER took the Chair at 8 p. m.

Prayers and routine proceedings.

MARINE AND FISHERIES BILL.

REPORTED FROM COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on Bill (12) "An Act respecting the Department of Marine and Fisheries."

Hon. Mr. LOUGHEED, from the committee, reported the Bill without amendment.

Hon. Mr. POWER—I hope the hon. Premier will let the third reading stand until to-morrow. I was under the impression that it was a Bill of one clause, repealing the Act passed a few years ago, and putting things as they were; but I see it is a Bill of some length, and contains a good many important provisions.

Hon. Mr. ABBOTT moved that the Bill be read the third time to-morrow.

The motion was agreed to.

The Senate adjourned at 8.20 p.m.

THE SENATE.

Ottawa, Tuesday, March 29th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (E) "An Act to amend the North-West Territories Act." (Mr. Abbott.)

THE DISPUTE BETWEEN NEWFOUNDLAND AND CANADA.

MOTION.

Hon. Mr. BOULTON moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House any Orders in Council or letters of instruction directing the customs authorities to put in force against the people of Newfoundland the tariff of 1885, which imposed duties upon their fish, and any other papers or documents relative to the matters now in dispute between the Governments of Canada and Newfoundland.

He said: In bringing before this hon. House the request that I have proposed to prefer to the First Minister to-day, I desire to explain the point of view from which I regard the points in dispute between Canada and Newfoundland. I think that none of us can help regretting that there should be any dispute between our two countries, and if we can throw any light upon the subject that will enable us in Canada to mend matters, and bring about an amicable settlement of the existing trouble, it will redound to the credit of Canada, and to the credit of the British Empire at large. In order to present the case intelligently it is necessary to go back to the origin of the points at issue. The questions that have been agitating the Island of Newfoundland are in regard to the treaty rights which were accorded to French fishermen under the treaty of Utrecht, and subsequent treaties. The people of Newfoundland are dependent entirely upon the fishing industry. They have not the diversified industries of Canada, and therefore, it is necessary for them to protect their fishery rights to the very best of their ability. They labour under two difficulties—the treaty rights which were accorded to French fishermen many years ago, and the action which the French fishermen have taken under those rights to encroach upon the people of Newfoundland have made them feel the necessity of defending themselves. I probably could not explain better what those rights are than by reading an extract from a despatch of Lord Knutsford to Governor Sir Terrence O'Brien, dated 10th November, 1890, which gives an epitome to a certain extent of what the Newfoundland Government complains of. Lord Knutsford quotes to Sir Terrence O'Brien his view of the case as laid before him by the Newfoundland delegates:

"4. The delegates contended that it is not possible, by any reasonable interpretation of the declaration of 1783, to hold that British settlements are to be excluded from some hundreds of miles of coast line, in order that at some few places French fishermen may

be enabled to erect wooden stages for drying fish ; and they urged that while the treaty shore is under that declaration, at present closed to British subjects, the French have been allowed to exceed the privileges granted by the same declaration. They pointed out, moreover, that the Islands of St. Pierre and Miquelon, which were ceded 'for the purpose of serving as a real shelter for French fishermen, and which were not to become an object of jealousy between the two nations,' have been armed, and made a commercial port for the collection and transhipment to Europe of fish, on which, under a system most injurious to the colonial trade, bounties are granted from French funds even when it is consumed outside the French dominions ; and, further, that they have become a base for constant smuggling by French subjects, while the French Government have refused to admit a British consular officer to reside there, whose presence would to some extent be a check upon this illicit traffic.

"5. It was also represented that while anything in the nature of a British fixed establishment is made the subject of protest and complaint by the French Government and its naval officers, French buildings and a permanent French establishment have been in existence at Le Croc for many years ; that this establishment contains store houses, gardens for raising vegetables, and places for keeping cattle ; and that it is maintained not by any French fishermen, but by the French Government for the use of its navy, while by the treaty the French are bound not to erect any 'buildings 'besides stages made of boards, and huts necessary and usual for the drying of fish.'

"6. I am not aware that the existence of this establishment has previously been the subject of a special complaint from the colony, and I have made enquiry from the Lords Commissioners of the Admiralty as to the information in that department respecting it.

"7. By my despatch of the 24th June I have already made you aware that Her Majesty's Government are fully alive to the disadvantage under which the people of Newfoundland labour, owing to the existence of the ancient treaties and engagements relating to the fisheries, and that they will do their best to give effect to any reasonable wishes of the colonists in regard to them ; but it must be remembered that Her Majesty's Government cannot force upon a friendly power the renunciation of its treaty rights, nor compel the acceptance of an interpretation of those rights which Her Majesty's Government uphold, but which is at direct variance with the interpretation upheld by that power. I also stated that Her Majesty's Government feel confident that, in these circumstances, the people of Newfoundland will recognize the difficulties which at present surround the fishery question, and will, on further consideration, perceive that the conclusion of a strictly temporary *modus vivendi*, such as has been agreed upon, involving as it does, no surrender of British rights and no admission of new French claims, was the best course which was open to Her Majesty's Government, both to avert possible collisions on the coast of the colony and to give time for negotiating with the Government of France such a solution of the questions at issue as may result in a permanent and, it is hoped, satisfactory settlement."

Now, hon. gentlemen, that is an epitome of the statement of the case on the part of the Newfoundland delegates who waited upon the Imperial Government to point out the disabilities under which their people laboured and to ask the Imperial Government to take such steps as would relieve the colony and the fishermen of the colony from those disabilities. In addition to the territorial encroachments one of the greatest difficulties that they had to contend with was the giving of bounties to French fishermen by the Government of France to induce the export of fish—bounties which amounted to 10 francs per quintal, or about $2 per quintal of a bounty to French fishermen who exported fish from St. Pierre and Miquelon. I will give you figures here to show how the fishing interests of the French fishermen were increased under that system from the year 1878 to 1886, the year when the Bait Act was first passed, an Act that was passed to enable Newfoundland fishermen to compete with the French fishermen under that bounty system. In 1878 the number of quintals of fish which were exported from St. Pierre and Miquelon, caught by French fishermen, was 403,000, and that increased in 1886 to 1,148,000 quintals, valued by St. Pierre returns at 20 francs per quintal, which amounts in value to $1,600,000 in 1878 and $4,594,000 in 1886. In looking over the Newfoundland Year Book I find that in 1889 the total yield of the Newfoundland fisheries was $6,371,304 ; the yield of the Nova Scotia fisheries for the same year was $6,346,000 ; the yield of the New Brunswick fisheries was $3,067,000 ; of the Prince Edward Island fisheries, $886,000, and of Quebec, $1,876,194. Hon. gentlemen will see by that that under the bounty system the French fishermen had very nearly increased their catch of fish to the same figure as the Newfoundland fisheries, and as the Nova Scotia fisheries ; they exceeded the New Brunswick fisheries, and they exceeded the

Prince Edward Island and Quebec fisheries, and they entered into competition with our own people to that extent in the catching of fish on the banks of Newfoundland, and very nearly levelled up with them as to the yield under the system of bounties. You can easily understand that when a set of fishermen have a bounty of 10 francs per quintal granted them it is a great incentive to increase their output, and it enables the fishermen who get that bounty to undersell our fishermen who have to compete with them in the same markets in Spain, the West Indies, and elsewhere; and to that extent it would depreciate the value of the Newfoundland and Canadian fisheries, and prove an obstacle to their development, and to the welfare of the Island of Newfoundland, which is dependent entirely upon the fisheries for its industry and its support. The only way the people of Newfoundland could combat that position, brought about by the bounty system, was to pass a Bait Act, because it is necessary for French fishermen, in order that they may prosecute their fisheries with advantage, that they should have bait. They have first to secure bait and then they go on the banks, and with that bait catch codfish; but if they cannot get bait they cannot prosecute their fishing to advantage, so the legislature of Newfoundland passed an Act to prohibit the people of Newfoundland from selling bait to the French fishermen, or to the United States fishermen, from whose markets they were excluded. This bait is caught within three miles of the shore, beyond the limit in which fishermen of foreign nations can fish; therefore, by passing the Act prohibiting their people from catching bait and selling to the French fishermen they hoped to coerce them into equal terms. The Bait Act virtually forbids the Newfoundland fishermen from selling bait to the French fishermen. The correspondence goes on to show that they had no intention that this Bait Act should operate against Canadian fishermen, and should work no injury to the rights of Canadian fishermen, who were always accorded equal privileges in Newfoundland waters, and this Bait Act did not intend to interfere with those rights. The Newfoundland Government trusted that the law which they passed would be met in the right spirit by Canadian fishermen and that it would be supported, and that Canadian fishermen would be prohibited, for the very same reason that Newfoundland fishermen were prohibited from selling bait to the French fishermen, with a view to protect their own interest, as they considered it was the interest of the Canadian Government to protect their fishermen in the same way. But, unfortunately, it was not looked upon by the Canadian Government in the same light, and no steps were taken to carry out the Bait Act and co-operate with Newfoundland in carrying out that Act; the Government of Newfoundland, therefore, found that they were at a disadvantage in carrying out the Bait Act. Canadian fishermen are able to catch bait within the 3-mile limit on their own shore and have the power to sell to French fishermen. They also have the power to catch bait within the 3-mile limit of Newfoundland and sell that bait to the French fishermen, and are beyond the jurisdiction and beyond the control of the Newfoundland Government in that respect. Newfoundland had no power to interfere without the concurrence of the Canadian Government. That, of course, threw the trade of bait fishing into the hands of Canadian fishermen or United States' fishermen, who received licenses which were acknowledged in Newfoundland waters, and destroyed the advantages that the Newfoundland fishermen should have enjoyed, because they were forbidden by the laws of Newfoundland, under the penalty of imprisonment and forfeiture of their fishing boats and gear, from selling bait to French fishermen. The Bait Act of Newfoundland was passed in 1886. Then, I presume, on the representation of Canada it was disallowed by the Imperial Government. It was re-enacted in 1887, and then a long correspondence ensued between the Canadian Government and the Imperial authorities as to the rights of Canada in permitting that Bait Act to go upon the Statute-book. In 1889, in consequence, as I said before, of the feeling on the part of the Newfoundland Government that the Bait Act was not being properly administered, and that it was beyond their power to administer it properly as it then stood, they passed another Act from which I will read an extract. The substance of this Bait Act passed in 1889, which was the Third Act put on the Statute-book, was as follows:—

"All foreign and British vessels not belong-

ing to this colony which require bait from our coasts for the prosecution of the cod fishery can only obtain it on taking out a license at an ordinary port of entry and giving bond in the sum of $1,000 that the bait shall be used *bonâ fide* for the purpose for which it is obtained. This license is issued upon the payment of a fee of $1 per ton, and entitles the holder to purchase bait for three weeks, but only to the extent of one barrel per ton register. Should fresh supplies of bait be required after the expiration of three weeks the vessel must re-enter at a customs port, and again take out a license on similar terms to the first, and so on through the fishing season. Like dues will, of course, be exacted as heretofore."

The Colonial Secretary of Newfoundland, under date 15th April, 1890, in conveying information as to the terms of the Act to the Dominion Government, stated that the Executive Council deemed it desirable that the Government of Canada should be informed as to the course that has been decided upon for the carrying out of the Bait Act of this colony during the ensuing fishing season, so that the vessels arriving from the Dominion may be prepared for the change which it has been found necessary to adopt in order to ensure that the intention of the Legislature should, as far as possible, be attained. It was further stated that it was not deemed necessary to remind the Canadian Government of the circumstances under which the Bait Act was passed; but, in explanation of the procedure adopted, it was stated to have been found impossible to so effectively carry out the law as to stop the French obtaining what they required, whilst the United States vessels under the *modus vivendi*, and British ships not of this colony, and over which it could exercise but scant control, were permitted to come to its shores, and take full supplies, which, in many cases found their way to St. Pierre. It is further stated that the Government had no alternative but to put all outside vessels on the same footing, thus securing to Newfoundland the advantages of the trade that others were engaged in at its expense, and limiting, as far as practicable, the destruction of its bait fishes.

In that Act is contained the policy of the Newfoundland Government. There they give the Canadian Government the reasons why they have felt it necessary to impose a license and to require Canadian vessels which before this had all the privileges of going within the 3-mile limit, and fishing concurrently with Newfoundland fishermen without license and without charge; but now it became necessary, in order to carry out their policy, to impose a license on Canadian fishermen. The Canadian Government had urged upon the Imperial Government to disallow the Bait Act in 1887, and gave reasons why it should not be sanctioned, and the Newfoundland Government at that time stated that it was not against Canada that this Act was being imposed. The following correspondence, an extract of which I give, shows the intentions of the Newfoundland Government:—

(Extract from report of Marine and Fisheries.)

"It is to be further observed that Sir G. Wm. Des Voeux, Governor of Newfoundland, in his despatch of the 14th January, 1887, addressed to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, when urging the allowance of this Bill, argued entirely upon the grounds that it was aimed solely against foreign fishermen, and Sir G. Wm. Des Voeux, in this despatch, stated:

"'I may mention that every day's delay is causing loss to this colony, in restricting preparations for next season's fishing, for the allowance of this Bill would be at once followed by a large increase in the number of British vessels employed in bank fishing, and even now it is too late, in some cases, for arrangements that would enable advantage to be taken of the earliest portion of the season.

"'Moreover, it is only fair to the French that if they are to be prohibited from obtaining bait here during the coming season, they should be made aware of the fact at once, in order that they may restrict their operations accordingly, it being probable, as regards the large number of vessels which annually leave France for these fishing grounds, that preparations are being made already for their dispatch, in order to enable them to obtain bait and commence fishing at the beginning of April; and thus, not merely in the interests of this colony and Canada, but for the sake of international comity, I would respectfully urge that in the absence of a fixed decision against this measure the delay which has already taken place in respect of its allowance should not be further prolonged.'

"Upon the 20th April, 1887, the Minister of Marine and Fisheries received at Ottawa the following telegram from the Government of Newfoundland:—

"'We learn with surprise and regret that your Government apprehend our Bait Act will interfere with Canadian fishermen. I am authorized to give you fullest assurance no interference or hinderance whatever of Canadian fishermen contemplated. Act necessarily framed so as to confer upon Governor discretionary powers in granting licenses to sell or export bait, our only object

being to prevent supply to foreign subsidized rivals. Fullest rights and privileges of all British fishermen to take or purchase for their own use, as hitherto enjoyed, will be maintained Please communicate this information to your representative or agents in London, to remove objection to our Act and promote Royal assent.'

"(Signed) Attorney General."

That was when the original correspondence took place in regard to the first imposition of the Bait Act; the first Bait Act of 1886 was disallowed, and then the Bait Act of 1887 was passed, and it was to secure the disallowance of this second Act, I presume, that the Canadian Government were pressing the claims of Canada. It was upon these grounds that the Canadian Government felt that the Government of Newfoundland had treated Canadian fishermen unfairly. I think on enquiry as to that particular despatch from the Attorney General of Newfoundland, dated April 20, 1887, which is the one that we depend upon to show the ground we had to stand upon, it will be found that the stand the Government of Newfoundland took in 1891 has not been unjustifiable on their part to insure the carrying out of their policy. If they felt they were not able to carry out the purpose of the law which they had enacted for the protection of their fishermen without imposing a license fee upon Canadian fishermen, there is nothing in this clause that would prevent them from doing that without a charge of breaking faith being preferred against them, because you will see that the telegram states:

"Act necessarily framed so as to confer upon Governor discretionary powers in granting licenses to sell or export bait, our only object being to prevent supply to foreign subsidized rivals."

Now, if they found they could not, under the Bait Act which they had pased, prevent the supplying of bait to foreign subsidized rivals, they were justified in taking such steps as would enable them to do so. We have no serious ground of complaint against them on that score. The despatch goes on to say:

"Fullest rights and privileges of all British fishermen to take or purchase for their own use, as hitherto, will be maintained."

You see there what was reserved to Canadian fishermen under that notification from the Attorney General of Newfoundland was that any bait fishes that they required to prosecute their own fisheries, for their own use, they would be at full liberty to take within the 3-mile limit of the Newfoundland coast, but of course it did not intend to convey to them the right of taking bait within the 3-mile limit of the Newfoundland coast and sell it to the fishermen of St. Pierre in contradistinction to the policy of the Newfoundland Government. Then it would rest entirely upon the assumption that such a contravention of the policy of the Newfoundland Government had taken place on the part of the Canadian fishermen. If the Canadian fishermen did not sell to the French fishermen at St. Pierre it would appear to be an unfriendly act.

Hon. Mr. MILLER—Is the hon. gentleman aware that the Canadian Department of Marine and Fisheries has challenged the Newfoundland Government to produce a single instance in which a Canadian fisherman has violated the terms of the Act by selling bait to the French? They are yet without an answer to the challenge.

Hon. Mr. BOULTON—I am aware of that, but it appears to be a case of non-intercourse. There was a return also called for of certain moneys that were jointly to be accounted for as license fees. The Newfoundland Government refused to give any answer and it seems to me that we have got into relations with our sister colony which really means non-intercourse. You cannot blame the people of Newfoundland for not answering a challenge of that sort under the circumstances. I propose to read from the report of Captain Sir Baldwin Walker, who was sent by the Imperial Government to enquire into the working of the Bait Act, an extract to show you that there was a certain amount of justification for the feeling that the Newfoundland fishermen had with regard to the matter. When I come to it you will see what he says on the subject. The Newfoundland people went to a great deal of trouble to secure our co-operation. I recollect they came to Canada and waited on the Boards of Trade of Montreal, Hamilton, Halifax, Toronto and other places. They sent round a pamphlet, a copy of which I received as a member of this House, I believe, setting forth their claims, and they showed every disposition to enlist the sympathies of Canada on their behalf, but ap-

parently without effect, and it was not until they had exhausted every reasonable means in their power to obtain the co-operation of the Canadian Government in the policy that they had entertained, that they took the stand which they did in 1890, and imposed license fees upon Canadian fishermen. As I said before, it is necessary to produce some evidence in order to try and bring about an amicable settlement between the colony of Newfoundland and the Dominion in regard to this matter—some facts to show how far we were justified or the colony of Newfoundland was justified in the positions respectively taken, and how far concessions should be made on either side. Captain Sir Baldwin Walker, of H. M. S. "Emerald," was sent by the British Government to enquire into the working of the Bait Act and the French Treaty claims, and he furnished a very interesting and voluminous report, which gives a great deal of valuable information, but the reference that it contains to Canada is in the clause which I am about to read. He desires to show the difficulties of carrying out the Bait Act on the coasts of the Island of Newfoundland, where fogs and storms prevail and few shelters are to be found, Then he goes on to say :

"The next point to be considered is the carrying out of the Act and the difficulties and expense of successfully administering the Act.

"The numerous systematic evasions on a large scale, which I have satisfied myself did actually take place, rendered easy by the laxity of the custom house system in Newfoundland, and also either by connivance or neglect in Canada, caused the incidence to be very much less onerous on the French, who have in consequence been able to obtain a great deal more bait than Newfoundland is willing to allow, and each year their arrangements for evading and otherwise obtaining what they require are more complete."

Now, hon. gentlemen, you have there the report of Captain Walker to the Imperial Government, made after visiting the fishing grounds, and ascertaining by personal observation and contact with the fishermen of the island, and all those engaged in that industry, the result of his observation being that either by the connivance or the neglect of Canada difficulties were thrown in the way of the Newfoundland Government in carrying out the policy that they had instituted for the protection of their own fisheries under the Bait Act. I think there would be quite sufficient justification in view of that report, for the Government of Newfoundland to take the measures they did take to enable them to carry out their policy under the fishing licenses, and I think we should not take umbrage at their action in the matter, and that we should not have retaliated as we have done on a colony which is struggling to defend its rights, and to protect its industry from unfair competition. Taking their view from that standpoint alone we should approach this subject in an amicable and friendly spirit on our part, seeking to restore the relations which should exist between two neighbouring colonies. After looking into the correspondence, I think it has been a mistaken policy on the part of Canada that we did not co-operate with Newfoundland in imposing the Bait Act, and compete with those nations who enjoy the rights and privileges that we possess by virtue of our geographical position, but who exclude us from their markets by protecting our own fisheries as the people of Newfoundland are protecting theirs. The Nova Scotia and New Brunswick fishermen, and the fishermen of Quebec were all subject to the same difficulties, and the same competition, and it would have been an advantage if we had co-operated with Newfoundland, and brought about a cessation of the bounty system pursued by the French fishermen. There is also an additional, and a very cogent reason why that policy should have been pursued, and that has been stated by the Newfoundland delegates before Lord Knutsford that the Islands of St. Pierre and Miquelon are used as a point where a great deal of smuggling is enabled to be carried on in our gulf ports, and with a great loss to the revenue as the result, and a consequent demoralization of our people. The evidence that I have to bring before this House in regard to that point is an extract from the year book of St. Pierre. When the Bait Act was passed in 1885 the French Government called upon the Government of St. Pierre to supply the French Government with such information as would enable them to take an intelligent view of the question at issue in regard to the Bait Act, and the report that was sent by the Governor of St. Pierre appears in the year book of France, and the clause that I propose to read here is a clause which justifies very grave suspicions on our

part that the trade that is carried on with St. Pierre and Miquelon is really a trade that is carried on by the fishermen going to and fro from Canada and Newfoundland, and possibly the United States and the consequent loss of revenue from smuggling, for which there are great facilities. The smuggling is both detrimental to the country through its revenue, and it demoralizes the people. There is no question about it, that those who engage in smuggling, and those who receive smuggled goods, are disposed to look upon it as a venial offence; but it is not to the advantage of the country at all that smuggling should be recognized by the Government, or be permitted, if it is found that such a practice exists. This is an extract that appears in the French official year book of St. Pierre, and it is included in a long report made by the French Governor, which says:

"On account of the proximity of the southern shore of Newfoundland there has existed up to the present an incessant to and fro trading of small vessels, which during the fishery season carried to St. Pierre the bait required by the bankers, taking back from here in exchange various goods, such as molasses, flour, salt pork, brandy, tea, sugar, etc. This business, in the multiplicity of the articles dealt in, gave an extremely brisk trade, which has singularly fallen off since the putting in force of the Bait Bill."

This is the report of the Governor of St. Pierre; it is not the report of the Government of Newfoundland; it is a report from the inner government of the Island itself, an island from which a British consul is excluded, I presume, in order that he may not be cognizant of the trade that is carried on there. It is further to be remarked that in the return that accompanies this report the number of vessels that go to and fro, and the fish that are caught and the quintals that are exported are shown to have largely increased on account of the large number of small vessels fitted out in St. Pierre between the years 1880-86 corresponding to the date of the increase in our duties. The return indicates that a large increase in the number of small vessels engaged in the trade were not vessels coming from Old France to catch fish under the old system, but an entirely new trade has sprung up and is carried on probably by American fishermen and probably by Canadian and Newfoundland fishermen, not necessarily by French fishermen, and that a large increase in the number of vessels and a large increase in the catch of fish has taken place between 1878-86, the date of this report. We adopted the National Policy in 1879. Under our former system of duties it was possible that smuggling was not worth the risk but the very moment we increased our duties it then became a great object to get in free of duty into Canada a large quantity of supplies consisting of pork, brandy, rum, wines, and probably silks and other wares—it is hard to say to what dimensions such a trade might be increased, which, as I said before, is demoralizing to our population, and we all know how easy it would be to carry on a trade of that kind with such an extensive coast and how impossible it would be for Canada to protect her revenue and the morals of her people in respect to that trade. To what extent that trade has been carried on and to what extent our revenue has suffered during the past twelve years in consequence of that trade it is impossible to say; it is evident that it is a very severe loss and it is desirable that it should be put a stop to, and I think, for that reason in addition to the bounty system adopted by the French Government it should engage the attention of our Government. We can take nothing else from the report of the Governor of St. Pierre that such a state of affairs does exist and that there is a very large trade of small vessels coming possibly to sell bait to enable French fishermen to carry on their fishing and possibly bringing fish to exchange, because if they can get a bounty on the export and if they can get goods in exchange for their fish and then get them into the country free of duty it is undoubted that the trade is a very profitable one indeed and may yet reach larger dimensions, and if the revenue is suffering through it it is desirable, I think, that we should take steps to co-operate with the Government of Newfoundland by acknowledging the Bait Act as a wise one and one which will have the effect of checking the fishing industry of the French until their bounty system is abolished and a British Consul admitted to the islands. It is not that we desire to interfere with the French fishermen but it is our desire not to place our own fishermen at a disadvantage by the commercial policy of a foreign nation such as they have to fight against under the bounty system. The return of the fish caught and exported

from St. Pierre shows that after the Bait Act was imposed the catch of fish was reduced by fifty per cent., which proves it had a decided effect. But as Capt. Walker reports they are naturally becoming more and more lax in the imposition of it, and Newfoundland people find it to be so unjust to them under all the circumstances, that the Bait Act has lost much of its effect. It is under these circumstances that the Government of Newfoundland has imposed upon Canadian fishermen the necessity of taking out a license to enable them to take bait within the 3-mile limit of Newfoundland and for these reasons I do not think that there is any cause of complaint on the part of Canada or why we should pursue an unfriendly course towards the Government of Newfoundland in consequence of the action they have taken in respect to the licenses. There are two things which it is desirable that Canada should seek to obtain as a concession from France, outside altogether of the treaty rights, and one is that the bounties on fish, which enable their fishermen to fish at an advantage, should be done away with; and also that a British consul should be appointed to St. Pierre in order that he may know what vessels clear there and what goods they are clearing with and what the destination of these goods is. These two things, I think, are essential in the interest of Canada. An American consul is allowed at St. Pierre and a British consul is not allowed there, and I only presume the reason is that this profitable trade might be carried on as of yore. The United States Government evidently will not permit smuggling into their country for want of a consul; we should imitate them in that respect. Now we come to the next step in our diplomatic relations with Newfoundland, and that is the subject matter of the question that I have asked to-day in regard to the tariff that we imposed upon Newfoundland last year. Upon looking into the Acts I find that we passed a Duty of Customs Act in 1885, by which certain duties were imposed upon fish imported into Canada, and I can only suppose that these duties, so imposed under the Act of 1885, were aimed at Newfoundland, because I do not think for one moment it can be contended the United States fishermen will export their fish into Canada when they have an exclusive market of their own; therefore, the duties that were imposed under the Act of 1885 were aimed at the Government of Newfoundland and at Newfoundland fishermen. I will read the clause passed in 1885 as an addendum to the tariff:

"Fish and other products of the fisheries shall be chargeable with, and there shall be collected thereon the rates of duty set forth and described in Schedule B to this Act, and set opposite to each of them respectively; provided, that the whole or part of the duties imposed by this section may be remitted, as respects either the United States or the Island of Newfoundland, or both, upon proclamation of the Governor in Cuncil, which may be issued whenever it appears to his satisfaction that the Government of the United States and the Island of Newfoundland, or of either of them, have made changes in their tariffs of duties imposed upon articles imported from Canada, in reduction or repeal of the duties in force in the said countries respectively. 48-49 Vic., c. 61, s. 4, part."

The high tariff of the United States and the low tariff of Newfoundland are here put on a par. This is the clause that we passed. We first of all provided in the tariff that certain duties should be imposed on fish—75 cents per quintal—and then inserted this clause which gave the Governor in Council power to take them off if the Government of Newfoundland or the Government of the United States abolish certain duties that they had imposed. What was the effect of that? Had it the effect on the people of Newfoundland of inducing them to abrogate their duties? No; it had exactly the very opposite effect. The very moment they found we were imposing duties upon their fish, and in that way instituting a species of McKinley Bill of our own against the Island of Newfoundland, they, in order to protect and defend themselves (their legislature happened to be in sesson at the time these duties were imposed), retaliated on Canada by passing this clause and adding it to their tariff Act of 1885:

"II.—From and after the first day of July, in the year one thousand eight hundred and eighty-five, in addition to the duties by the above recited Acts provided to be raised, levied, collected and paid on goods, wares and merchandize imported into this colony and its dependencies, there shall be raised, levied, collected and paid on the goods, wares and merchandize hereinafter in this section mentioned, imported into this colony and its dependencies from countries the fishermen of which have the privilege of taking fish on all parts of the coasts of Newfoundland and its dependencies, and in which countries duties are or shall hereafter be levied upon fish and the produce of the fisheries exported

from this colony and its dependencies to such countries, the following duties, viz. :—

"Flour—the barrel, seventy-five cents.

"Pork—the barrel, one dollar and fifty cents.

"Butter—the one hundred pounds, seventy-five cents.

"Tobacco — the one hundred pounds, five dollars.

"Kerosene oil—the imperial gallon, five cents.

"Cornmeal—the barrel, fifty-two cents and one half cent.

"III.—From and after the first day of July, in the year one thousand eight hundred and eighty-five, there shall be raised, levied, collected and paid on all fish imported, bought, or in any way coming into this colony and its dependencies, a duty of one dollar and fifty cents per quintal: Provided, that the Governor may, by proclamation, published in the *Royal Gazette*, remit the whole or any part of the duty imposed by this section, on fish imported into this colony or its dependencies from countries making such changes or reductions in their tariff of duties, with respect to fish, the produce of fish, or other articles exported from this colony or its dependencies to such countries, as the Governor my deem equitable."

Now, you see the only effect that was produced by the clause that we inserted in our Act, aiming at the colony of Newfoundland, in 1885, was prompt retaliation on their part by increasing the duty on flour from 25c. to 75c. a barrel, &c., and that clause remained to this day on their Statute-book facing us, but only went into operation by our own act.

Hon. Mr. MILLER — Is my hon. friend aware that before any duty was imposed by Canada on Newfoundland fish, the Government of Newfoundland refused to sell bait to Canadian fishermen, upon any terms whatever, although selling and providing bait to foreign fishermen, and that they refused to allow any intercourse on the part of Canadian vessels with the shores or harbours of Newfoundland—treating them in a more unfriendly spirit than they treated foreign vessels? It was not until that unfriendly course was taken by Newfoundland that the duties were imposed upon fish coming into Canada by our Government.

Hon. Mr. BOULTON—I am quite aware of that, and I was coming to it, because that point is a subject of the question I have on the Paper to-day. I am only showing under what authority, and under what circumstances the duty was imposed. The duty was imposed as far back as 1885, and when the Government of Newfoundland retaliated and said "You have imposed that duty on our fish——"

Hon. Mr. MILLER — My hon. friend is wrong; the power was only given to the Government of Canada in 1885 to impose the duty and it never was put in force until Newfoundland showed themselves so unfriendly and unjust towards Canadian fishermen.

Hon. Mr. BOULTON—The hon. gentleman will not say that any fresh act has been passed giving authority to the Government to impose those duties? No duties were imposed by a new Act. The Government are acting under authority of the tariff of 1885; but our hand was stayed by the retaliatory policy of Newfoundland when they said: "You impose that tariff upon us and put it into force and we will at once raise the duty on flour to seventy-five cents a barrel by the authority of the Lieutenant Governor." We did not take any action in regard to the Act that we have put upon our Statute-book in 1885, as the hon. member from Richmond has justly said, until last year, but it is the imposition of that tariff of 1885 in 1891 that has checked a very large amount of the trade that Canada enjoyed with the Island of Newfoundland, and has helped to bring about the unfriendly state of affairs that now exists. The trade of Canada with Newfoundland has been of far greater value than the trade of Newfoundland with Canada. Newfoundland has purchased from Canada during the past ten years—from 1880 to 1890—$16,750,000 of our produce—very largely agricultural produce—and we have only purchased from the Island of Newfoundland $5,000,000 during the same ten years, so that they have been a customer for the produce of our industries for three times the quantity that we have been of theirs. The main exports that were sent from Newfoundland to Canada were fish to the extent of $350,000 or $400,000 a year. That is the main trade that Newfoundland has enjoyed with Canada. Last year they sent some $460,000 worth of their produce to Canada and it is upon that $460,000 worth that this duty has been imposed by the Tariff Act of 1885, which has brought upon us the imposition of the duties imposed by the Tariff Act of Newfoundland of 1885. There was no fresh Tariff Act passed by Newfoundland to impose that duty; it became an absolute

necessity on the part of the Newfoundland Government to put that tariff into force against Canada the moment Canada put into force the tariff which she had passed against Newfoundland. So we have brought that duty upon us by our own hand. Now, I think it is quite right that we should show a conciliatory spirit to Newfoundland and if we repeal that tariff, by the very act of taking it off the tariff Newfoundland has imposed upon us comes off at the same time. It is only operative when our duties are imposed. I think in the interests of the trade of Canada, and of the good feeling which should exist between two neighbouring colonies, in the interests of the British Empire at large, we might show towards the Island of Newfoundland the same spirit as the West India Islands have displayed. The hon. Finance Minister drew the attention of the House, in his budget speech, to the fact that the West India Islands refused to discriminate against Canada when entering into a treaty with the United States, and we should show that same spirit towards all the colonies of the British Empire ourselves. I think it would be to the advantage of Canada if we should take off the duties that we imposed last year, and by our own act probably bring about a better feeling between Newfoundland and Canada. All the facts that I have been detailing culminated in Newfoundland seeking to obtain better trade relations with the United States. They found that they could not improve their own position with the French fishermen—they could not get rid of the bounties, or of the smuggling, or of the French treaty rights, and in order to defend themselves they were led to negotiate with the United States Government for better terms, to obtain a market for their fish. Those negotiations have been going on for the last two years, and they were opposed by our Government. In that respect the Canadian Government were guarding the interests of the Dominion, and acting in accordance with Imperial policy—pursuing a policy of not discriminating against any portion of the British Empire. That policy has been laid down by the Canadian Government in representations made to the Imperial Government upon this very point. In a memorandum of Council, under date of 29th January, 1891, our Government made this representation :

"That the Canadian Government has declared its policy to be that no commercial arrangements with a foreign country should be acceded to Canada which would involve tariff discrimination against the mother country, and this principle has had the approval of Her Majesty's Government; but it will be difficult to induce the people of Canada to continue to believe in the importance of that principle as a safeguard to the interests of the Empire if Great Britain now makes a convention for Newfoundland under which the United States is able to discriminate directly against Canada."

These sentiments, or sentiments similar in principle, were unanimously expressed by resolution of the Legislature of Manitoba, under date of 19th March, 1890. They have also found expression in various ways from leading public men, and with these sentiments I think we may all concur. It is desirable that we should be united when it comes to a question of discriminating, or the breaking up of our trade policy ; we should endeavour to make our trade policy uniform. As a matter of fact, however, the convention did not discriminate from a trade point of view, it discriminated in the advantages accorded to United States fishermen, and that was quite sufficient to cause the Imperial Government to take the stand that it has taken in regard to that convention. I will read the draft convention which the Hon. Mr. Blaine was willing to negotiate—a convention, however, which did not receive the assent of the Imperial Government :

Convention between Great Britain and the United States of America, for the improvement of commercial relations between the United States and Her Britannic Majesty's Colony of Newfoundland.

The Governments of Great Britain and the United States, desiring to improve the commercial relations between the United States and Her Britannic Majesty's Colony of Newfoundland, have appointed as their respective Plenipotentiaries, and given them full powers to treat of and conclude such convention, that is to say :—

Her Britannic Majesty on her part has appointed Sir Julian Pauncefote, and the President of the United States has appointed on the part of the United States, James G. Blaine, Secretary of State.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles :—

ARTICLE I.

United States fishing vessels entering the waters of Newfoundland shall have the priv-

ilege of purchasing herring, caplin, squid, and other bait fishes at all times on the same conditions, and subject to the same penalties, in all respects as Newfoundland vessels.

They shall also have the privilege of touching and trading, selling fish and oil, and procuring supplies in Newfoundland, conforming to the harbour regulations, but without other charge than the payment of such light, harbour and customs dues as are, or may be levied on Newfoundland fishing vessels.

ARTICLE II.

Dry codfish, cod oil, seal oil, sealskins, herrings, salmon, trout and salmon trout, lobsters, cod roes, tongues and sounds, the product of the fisheries of Newfoundland, shall be admitted into the United States free of duty. Also, all hogsheads, barrels, kegs, boxes, or tin cans, in which the articles above named may be carried, shall be admitted free of duty. It is understood, however, that "green" codfish are not included in the provisions of this article.

ARTICLE III.

The officer of the Customs at the Newfoundland port where a vessel laden with the articles named in artcile H clears shall give to the master of said vessel a sworn certificate that the fish shipped were taken in the waters of Newfoundland; which certificate shall be countersigned by the Consul or Consular Agent of the United States, and delivered to the proper officer of Customs at the port of destination in the United States.

ARTICLE IV.

When this convention shall come into operation, and during the continuance there of the duties to be levied and collected upon the following commercial merchandize imported into the Colony of Newfoundland from the United States shall not exceed the following amounts, viz. :

Flour, 25 cents per barrel.

Pork, 1 1-2 cents per lb.

Bacon and hams, tongues, smoked beef and sausage, 2 1-4 cents per lb., or $2.50 per 112 lbs.

Beef, pigs' heads, hocks and feet (salted or cured), 1-2 cent per lb.

Indian meal, 25 cents per barrel.

Pease, 30 cents per barrel.

Oatmeal, 30 cents per barrel of 200 lbs.

Bran, Indian corn and rice, 12 1-2 per cent. *ad valorem.*

Salt (in bulk), 20 cents per ton of 2,240 lbs.

Kerosene oil, 6 cents per gallon.

And the following articles imported into the Colony of Newfoundland from the United States shall be admitted free of duty :—

Agricultural implements and machinery imported by agricultural societies for the promotion of agriculture.

Crushing mills for mining purposes.

Raw cotton.

Corn for the manufacture of brooms.

Gas engines when protected by patent.

Ploughs and harrows.

Reaping, raking, ploughing, potato-digging and seed-sowing machines to be used in the colony.

Printing presses and printing types.

ARTICLE V.

It is understood that if any reduction is made by the Colony of Newfoundland, at any time during the term of this convention, in the rates of duty upon the articles named in Article IV of this convention, the said reduction shall apply to the United States.

ARTICLE VI.

The present convention shall take effect as soon as the laws required to carry it into operation shall have been passed by the Congress of the United States on the one hand, and by the Imperial Parliament of Great Britain and the Provincial Legislature of Newfoundland on the other hand. Such assent having been given, the convention shall remain in force for five years from the date at which it may come into operation, and further until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of five years, or at any time afterwards.

ARTICLE VII.

This convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratification shall be exchanged at Washington on the 1st day of February, 1891, or as soon thereafter as practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done in duplicate, at Washington, this day of in the year of our Lord one thousand eight hundred and .

The article that is of very great importance to us in that draft convention is Article I. Now, hon. gentlemen will see that in this convention there is no discrimination against Canada—that is to say, that the United States are to have advantages that Canada is to be denied, so far as our trade relations are concerned, but the effect it would have is this : the great advantage of our fisheries is that we have the 3-mile limit within which we can catch the bait essential to the successful prosecution of the fisheries on the banks, and

under our treaty with the United States that privilege is preserved solely to Canada and Newfoundland. The United States are not entitled, without our sanction, to enjoy the privilege of catching bait or of touching and trading—that is, shipping crews or purchasing supplies, or transhipping their catch to their own markets in the United States. Such a privilege as that, with the free right to fish in our waters, is of very great value to the fishermen of the United States, so great that under the Washington Treaty of 1871 it was valued at $5,500,000 for a period of ten years. If Newfoundland was to enter into a convention with the United States which gave the bulk of those privileges to the United States, it would reduce the value of our fisheries exceedingly, because United States fishermen could obtain all the bait they required in Newfoundland waters; they could ship their crews, purchase supplies and tranship and transport their catch from Newfoundland ports, whereas if the privilege is withheld from them they are compelled to go to their own ports; whereas if the privilege is withheld from to the banks, losing a good deal of time. So that the privileges which the United States fishermen have been granted under this convention would take away from Canadian fishermen very valuable advantages which they hold, and would give their United States competitors an advantage over them, to the detriment of Canadian interests, and to that extent it was not right that it should be carried out. I consider that it is not a fair treaty in its terms either—that is to say, it is not equitable. The American fishermen, with their immense fleet and large population engaged in the fishing industry, would be allowed to enjoy all the privileges of fishing in Newfoundland waters concurrently with a population of only 200,000, while only 200,000 would have the advantage of access to the markets of the United States. To that extent, I say, the treaty was not an equitable one as between Newfoundland and the United States — the concessions to the United States fishermen were too great. No provision was made in that convention forbidding the United States Government giving bounties to their fishermen. If the convention were passed in its present form the United States fishermen might ask their Government to give them a bounty, and a bounty to the extent of ten francs per quintal might be imposed in the same way that the French Government has given assistance to its fishermen. In that way, between the French Government and the United States Government our fisheries might be wiped out entirely, and our fishermen would have to transfer their allegiance to the French or United States flag. That would be one of the ultimate results of passing such a convention as that. We want to preserve the advantages which our fisheries give to our own people; we want to train our own fishermen that they may be a source of strength to the Dominion and the empire, and we do not want to make it an object for them to transfer their allegiance to a foreign country. Therefore, it is necessary to guard the interests of our fishermen. I may point out that the United States would not permit us to negotiate a treaty with any of their states separately. Suppose we were to negotiate a treaty with Dakota and Minnesota, by which they should admit the products and manufactures of Canada in exchange for the right of fishing in the Hudson Bay waters, and transporting through Canadian territory, a privilege which would be of great advantage to them—I consider that would be a parallel case—would the United States permit such a thing? I say they would not, and for the very same reason we are justified in interfering to prevent the island of Newfoundland concluding a treaty with the United States of the character of the one from which I have been reading the extracts. At the present moment the United States fishermen are enjoying very great advantages in our waters. For a number of years, under the *modus vivendi*, they have been enjoying the privilege of getting bait in Canada, of transhipping and touching and trading, of shipping crews in Canada — all this under a license fee which yielded to Canada, in 1891, less than $10,000. While our fishermen are excluded from the markets of the United States, it is but right and just that they should be protected and that until some concessions are granted to us the United States fishermen should not receive any special advantages on our side. I think I have touched upon the main features of the question between Newfoundland and Canada, and I cannot but express the hope that, by a free discussion, by bringing out all the facts of the case, by correcting any misstatements that I may have made through ignorance, but which by discussing among ourselves may be corrected, we may help our Government to bring about a more conciliatory

attitude on the part of the Newfoundland Government and reinstate that friendly feeling which is essential between such near neighbours who are working together under the same flag.

Hon. Mr. POWER—There is just one question as to which the hon. gentleman did not give very full information, and as to which I for one should like to be informed. He did not state when it was that the two hostile tariffs were brought into operation. Did Newfoundland bring her hostile tariff into operation against Canada before Canada put into operation a tariff hostile to Newfoundland, or was it the other way ? The hon. gentleman might state the circumstances under which those two tariffs were brought into operation, because that is important.

Hon. Mr. BOULTON—I am not aware of the circumstances under which those tariffs were brought into operation, but in our tariff of 1885 we impose certain duties on fish amounting to 75 cents per quintal.

Hon. Mr. POWER—I know about that.

Hon. Mr. BOULTON—There was an addendum to that Act which provided that when Newfoundland and the United States would lower their tariff against Canada, that Act should not be in force. The Legislature of Newfoundland was in session at the time that that Act was passed, and on the 15th May, after our Act was passed, as a retaliatory measure against us they imposed their Tariff Act.

Hon. Mr. POWER—The hon. gentleman will excuse me : My question did not refer to the dates when the tariffs were enacted but when they were put into operation. That is the point. As I understand, neither tariff was put into operation until after this attempted convention between the United States and Newfoundland. What I was anxious to find out was, suppose it was only after that the tariff acts went into operation, which was brought into operation first ? Was it the Newfoundland tariff that was put into operation against Canada first, or was it the Canadian tariff that was put into operation against Newfoundland first ?

Hon. Mr. BOULTON—The hon. gentleman will recognize that that is the question I am asking. I am moving for the correspondence in regard to that. I may say that our tariff was put into operation last fall. I do not know whether it was in September, or exactly what date it was ; but I know one day last fall our tariff went into operation against Newfoundland, and when our tariff went into operation the Newfoundland tariff was put in force. The Newfoundland Legislature has not met since that tariff went into force. It was brought into operation in consequence of our tariff having gone into force and our tariff is said to have been put in force in consequence of the unfriendly attitude which the Newfoundland people were supposed to have taken in imposing licenses on Canadian fishermen under the Bait Act. I suppose that was the cause of the imposition of the tariff ; but it has reacted against ourselves and I do not know that we are justified in feeling angry against the people of Newfoundland for the position they have taken. They are only defending their own fishermen and fishing, the only industry on which they can rely, and if they tread upon our toes in pursuance of that policy I do not know that we should squeal because it imposes much more heavy duties on our products and actually prohibits our flour from going into Newfoundland. It is for that reason that I have put this question upon the notice paper, and asked the hon. First Minister to produce certain correspondence that led to the imposition of those prohibitory duties. I feel myself that it is a matter of great importance that we should sail together in a friendly manner, and that it is necessary as component parts of the British Empire that we should all sail in the same fleet, and not wander off in one or the other direction, but fix our eyes upon the signals that come from the flagship ; and as long as we do that we need not fear that Canada will prosper, if we use that wisdom which is essential in conducting our public affairs not only in matters of dispute, with our neighbours in Newfoundland, but with our neighbours in the United States.

Hon. Mr. KAULBACH—I quite agree with the hon. gentleman who has spoken, as to the conciliatory feeling which should exist between us and Newfoundland, to arrive at an amicable settlement of all our difficulties. I must congratulate my hon. friend on his knowledge of this question, and of the fishing interests of the Maritime Provinces. I

was not aware that he was so well acquainted with the fisheries question—he has evidently studied it carefully. His views and mine agree as far as the United States negotiations are concerned ; but my hon. friend is wrong when he suggests that as a consequence of our neglect or connivance against Newfoundland fishermen we have brought upon ourselves the retaliation that he speaks of. In that my hon. friend is entirely wrong. I come from a part of Canada that is largely engaged in the fisheries—especially the fisheries which my hon. friend refers to, and no one in my province will believe that fishermen from Canada—at least that fishermen from Nova Scotia—have violated the Bait Act. They were anxious to conform to it as much as they could. Our Government were anxious that the Bait Act should be complied with, and were willing to pass legislation to the effect that a violation of that Act by any Canadian or Canadian fishermen should be punished. That was the position our Government was willing to take, but the same policy was not proposed by the United States ; and when my hon. friend says that we "by our connivance and neglect——"

Hon. Mr. BOULTON—I did not say so. I read from the report of Captain Walker.

Hon. Mr. KAULBACH—My hon. friend read from the report of Captain Walker, which he endorsed, and upon that report predicated the remarks he has made on the whole question. The hon. gentleman is entirely wrong. The Newfoundland fishermen themselves have been the greatest violators of this Act. Nova Scotia fishermen can tell of Newfoundland fishermen who have taken bait from the Magdalen Islands in the spring of 1890, and sold it to the French fishermen at St. Pierre and Miquelon. If the Newfoundland authorities want to get information as regards the violation of the Bait Act, they can easily ascertain that numbers of their own fishermen have violated it. When the Newfoundland Government found that they could not enforce the provisions of the Bait Act they came to us and asked us to enact a Bait Act similar to theirs, and place ourselves in a hostile attitude towards France. I do not see why we should be asked to do so. My hon. friend thinks we ought to take that position, although the French have rights in Newfoundland that they have not in Canada—that we should espouse the cause of Newfoundland and protect their rights, which the French have encroached upon. I say that Newfoundland cannot expect Canada to place herself in the same position that they have taken, and pass a Bait Act against France. I doubt, if we attempted to do it, whether England would justify us in such a course. I believe that it would be improper that, in order to assist Newfoundland, we should take upon ourselves authority to do something for which we are not responsible in any way. I assert that no single case has been charged against Canadian fishermen or a scintilla of evidence given that they have violated the Newfoundland Bait Act, and I do not believe that they ever did. My hon. friend said that the fishermen of Canada, by going to the United States to fish under the American flag, in vessels of the United States, when they came into the waters of Newfoundland would have privileges that we do not enjoy. Is not that the position at present ? Does not Newfoundland give privileges to the United States fishermen that they do not give to us, both in the inshore and their deep-sea fisheries ? Our fishermen find that it is better to fish from vessels flying the United States flag, because they then have the privilege of securing Newfoundland bait, and not suffer as they did last year, by having to return with half a catch. Newfoundland has treated us improperly by putting a license on us at all. We believe their Act is illegal, and I hope that the Dominion Government will sustain the efforts of our fishermen, who wish to have the License Act repealed. My hon. friend is wrong about that tariff of 1885, which surely exempted Newfoundland—the only place in the world that was exempted from the operation of that Act, as far as fish is concerned. We have allowed their fishermen to come into our ports, and we have allowed their vessels to enjoy all the privileges which Canadian fishermen enjoy, free of all charge, not only purchasing their fish, but furnishing them the means of transportation to American and other markets. What have they done in return ? They have allowed United States fishermen to come in and get bait, and have excluded our fishermen. Is that a conciliatory spirit on the part of Newfoundland ? I say that they have placed themselves outside of any claim for clemency or proper respect on our part. They have not only deprived us of a right which we are entitled to as a British colony, but they

grant this right to the United States; they have done more. Their Bait Act was originally directed against fish used for bait; but what have the Newfoundland Government done? They have deprived our fishermen of the privilege of getting frozen fish. They have interfered with our commercial relations, and deprived us from getting frozen fish for consumption, while they have allowed American fishermen to come in and take that trade. We know that for years our fishermen have been accustomed in the winter season to go north for cargoes of frozen fish, which they brought down and sold in our markets and the markets of the United States. This privilege they were refused last year, on the pretext that this frozen fish would be used for bait; our fishermen offered to give bonds that the frozen fish would not be used for bait, but notwithstanding that fact, Newfoundland refused to sell it to us, while they allowed American fishermen to come in and get it without hinderance. Anything we have done in the way of retaliation is for the purpose of securing justice for our own fishermen, and the Government of Newfoundland will find when they come to consider it, that they are in a much worse position than we are in this difficulty, by the loss of the privileges they had from Canada. Newfoundlanders were as free to fish as our own fishermen; they had all the privileges of Canadians in Canadian waters. Free from all charges, free from all dues, free from every restraint, they come into our waters to fish. In the face of these facts what have we permitted them to do? What are they doing now? We know that the Canadian coast of Labrador is occupied by fishermen from Newfoundland, almost to the exclusion of fishermen from our own provinces. They come across to our Labrador coast by St. Mary's Island. They are in close proximity to it, and they take possession of and occupy the whole of that shore to the exclusion of our fishermen. They pay no custom dues, or dues of any kind. They bring their outfits there and distribute them along the shore, and occupy the whole coast, so that when our fishermen run up north they find they have nothing to get, that the Newfoundland fishermen monopolize the fisheries, and the moment they cross the line at Blanc Sablon and get into the waters of Newfoundland they have to encounter a heavy tax—a heavy duty not upon what they land, for they land nothing, but upon everything they have in their vessels for use in catching or curing fish—salt and barrels.

Hon. Mr. MILLER—And make us pay light dues for the lights that we provide and support.

Hon. Mr. KAULBACH—Yes; as my hon. friend from Richmond says, they make us pay for the very lights that we have established and maintain. That is the position we are in with regard to Newfoundland. It is no coloured picture; these are simple facts, and I ask, if we take the same ground, and say we will put our fishermen in the same position in relation to Newfoundland as the fishermen of Newfoundland are in relation to Canada—that we will not let them have free access for their fish for our markets, but will exclude them as they have excluded us, will they not soon find that they had better ask for a fair settlement of this matter? I feel that the fishermen of Nova Scotia have suffered long and have been kind. I believe our Government has been, if anything, rather tardy in looking after the rights of our fishermen. I do not say it in any way to reflect upon what they have done; but our fishermen were almost paralysed last year in endeavouring to carry on their industry by the unfriendly attitude of Newfoundland. It is an industry of vast importance to us and cannot be offset by the sale of a few thousand barrels of flour, and my hon. friend should not attempt to raise anything like a sectional feeling in this respect because some of the productions of the far west—a country which we have opened up for him and those who have gone there—have to bear the duties imposed by Newfoundland.

Hon. Mr. BOULTON—I have no intention of raising any such question at all. My remarks were directed solely toward bringing about friendly relations between Newfoundland and ourselves, in which the whole country is interested.

Hon. Mr. KAULBACH—I am the last man in this House to raise sectional feeling between the provinces. I believe we should look upon Canada as a whole, and we should feel that what is the interest of one province is the interest of all. I try to look at the

question dispassionately, and I feel that we have suffered long in Nova Scotia—that Newfoundland has had advantages in our ports, in our markets and in our fisheries which she has not been entitled to, and is not now entitled to, because of the way she has treated our fishermen. As I have already remarked, our fisheries are of vast importance ; they are the nursery for our mercantile marine. France has long seen the importance of fostering her fishery rights in the Gulf and she has shown her faith in it by the bounties she has given to her fishermen. She believes that the fisheries form a nursery not only for her mercantile marine but for her navy as well. These fishermen are inured to all kinds of hardship and danger. Theirs is a precarious and dangerous calling in which they continually risk their lives, and there is no other industry in Canada more worthy of the fostering care and protection of the Government. Now, as regards the Blaine-Bond Treaty, we could not possibly allow that treaty to come into operation, although the sympathies of our Government were with the people of Newfoundland. I say that it would have been detrimental to the interests of Canada, because we look to the rights we and all British subjects hold under the treaty of 1818 as rights that we cannot allow Newfoundland to set aside on behalf of the United States or any other foreign nation. We might as well give up the whole of our fisheries at once. If, under the present circumstances, Newfoundlanders were allowed to come into our ports with their fish, free of duty, they would soon monopolize the fish trade with the United States. They have markets at present in Spain and Portugal, and that trade also would be diverted. They would come in direct competition with us, free of duty, in the United States market, and we would have no hope in the future of securing reciprocal trade with the United States, as far as our fish are concerned. I do not think it would be fair to the House if I should say anything more on this subject than I have already said. I believe that if Newfoundland is determined on the policy she has adopted all we have to do is to treat their fishermen the same as our fishermen are treated by them ; and if the Newfoundland Government impose duties on our produce the people of that island must be treated by us the same as the people of any any other country that bring fish into our markets.

Hon. Mr. HOWLAN—The question that we have before us is a very important one, and I think I am voicing the sentiments of the House when I state that it is not the desire of anyone here to say anything in an unkindly way in regard to the difficulties that now exist between Canada and Newfoundland. The question of the fisheries of Newfoundland is a broad one—a question that is of interest to the whole British Empire. The Newfoundland fisheries do not belong to Newfoundland but to the whole British world. They have a perfect right, under the constitution, to make laws for the protection of those fisheries within the 3-mile limit. They are users, so to speak, for the generation in which they live of those fisheries. The British people from Melbourne, Australia, or from Hong Kong, have just as good a right to go and fish within the 3-mile limit of Newfoundland as have the Newfoundlanders themselves, and it is on that principle, and that alone, that the objection was raised with regard to this bait question. When the Act was passed in 1885, it did not receive the Royal assent. Why ? The Imperial authorities knew as well then as they knew afterwards that it was impossible to take away the rights of any British fishermen in these waters or to participate in these bait fisheries, and the gentlemen who were then answerable to the Governor of Newfoundland as his advisers distinctly promised, if the Act was passed, that it would have no bearing, directly or indirectly, in the most remote manner on Canadian fishermen, otherwise the Act would not have received the Royal assent. What is the answer given to that question now by the gentleman who is responsible to Her Majesty's representative in Newfoundland ? That he was not answerable for the representations made by a previous Premier of the colony who had made these promises. That is simply absurd. There would be no continuity of government if the Premier of one day could repudiate the promises of his predecessor. That was the basis of the whole question, and that was the error which the Newfoundlanders committed, that they thought the fisheries were their own, and that they could make such laws as would suit their own views and for their individual benefit. They had no right to grant any par-

ticular body of persons any special rights or privileges in fisheries which they did not absolutely own themselves. What belongs to all cannot be given to one, and that was the principle underlying this bait question. A great deal has been said and a great many points have been raised on the fact of what the Newfoundlanders call the bounty-fed fishermen interfering with their industry. That is a question with which we have nothing to do; it is a question of domestic economy in France. As has been well observed by the hon. gentleman who preceded me here, it is not the itrinsic value of the fisheries of St. Pierre and Miquelon that France considers. France values the French fisheries in North America because they are the great nursery of her seamen, and that is why France gives a bounty; but my hon. friend has not stated the whole question with regard to these bounties. Not only does she give a particular bounty on each quintal of fish produced from the French American fisheries, but she also gives a bonus to every man who goes out from her reformatories to those bank fisheries, so in that respect she has done everything in her power to promote her fishing interest. The representative men of France are not wanting in a patriotic desire to preserve all their rights and privileges, and they know that unless they make special arrangements to maintain the fisheries at St. Pierre and Miquelon no trade would be attracted to those islands. Why do people go there from Quebec, Halifax, St. John and other ports? The question is easily answered. While we are obliged to maintain a high tariff to raise a revenue, the Islands of St. Pierre and Miquelon have no tariff at all, but are carrying out what we, at the time of Confederation, proposed to do on the lower St. Lawrence, when we thought of making a free port of Gaspe. At one time the tariff of St. Pierre and Miquelon was only 1 per cent.; now it is 2 1-2 per cent., and large quantities of goods are sent to those islands from several Canadian and United States ports. The result is that a large trade has grown up between those islands and various ports on the Atlantic coast. There is quite a trade between Fortune Bay and St. Pierre and Miquelon. The people of these two places have often intermarried, and I am of the opinion that the Government of Newfoundland have taken the course with regard to Canada, of which we complain mainly for the purpose of stopping this French trade. Why do I think so? My hon. friend (Mr. Boulton) in his remarks, which were simply a reiteration of Newfoundland's case, admits that the object of the island Government was to prevent the French fishermen from getting bait when they passed the Bait Act. The first people to break that law were the islanders themselves, and the Government had to put on steamers to stop them. They were fining and confining them, but they did not stop the traffic. They next tried to make a treaty with the United States. Now, if the duty in that country was equal to the bounty paid by the French fishermen, the question would be at rest, but the fact is, while the duty is fifty cents in the United States, the French bounty is $2 per quintal. It has been stated that after attention was called to the effect which the Act would have upon Canada, it was only passed on the assurance of the gentlemen who were then in power in Newfoundland, that nothing should be done under the Act to interfere with our rights. We slept on those rights for a short time; we were unwilling to believe that such a course would be pursued towards us. What do we find? Did the hon. gentleman, himself, find any fault with the course that Canada pursued towards Newfoundland? Not at all. It is true, he had changed his opinion since last year, but at that time he expressed very appropriately his indignation when a Canadian fisherman was taken almost in chains and placed in gaol in Newfoundland. The hon. gentleman brought the matter to the attention of the House, and after repeating the facts, as stated in the St. John *Evening Herald*, he said:

"The Government of Newfoundland are irritated—I do not think justly so—because Canada saw fit, when Newfoundland was negotiating what is called the Bond treaty (which was going to give privileges to the people of the United States with regard to getting bait, and with regard to trade and traffic arrangements which were denied to their fellow colonists in Canada), to interfere, and according to this paper the island Government is resenting upon an inoffensive citizen this interference on the part of our Government. It is quite probable that such is the case. It is not improper to say just here that the Government of Newfoundland are wrong in the position they are taking with regard to discriminating against Canada."

Now, the hon. gentleman has changed his opinion altogether. He thinks we are dis-

criminating against Newfoundland. Now, when did we commence to discriminate ? It was after Newfoundland vessels came into our harbours with loads of fish and bait to sell, whilst our fishermen were refused bait and lost their season's fishing. We complained, and very justly so. As the hon. gentleman from Richmond has very properly said, no single case has been proved where a Canadian vessel has obtained bait on the Newfoundland coast, and sold it to the French. In a discussion on this question with a gentleman who thought he knew a great deal about it, he said, "No, but you took bait from the Magdalen Islands and sold it to the French." I said, "My dear sir, I have had a great deal of experience in the Magdalen Islands, and I understand that the French fishermen fit out for the banks about the first week of April. Now, the whole allied fleets of Europe could not get to the Magdalen Islands at that time of the year, so that that contention falls to the ground." Why is it that the United States are so anxious to make a treaty with Newfoundland and not with Canada ? This bait question is of paramount importance to the fisheries of North America, and if they could be secured by the United States they would have the key to the whole question, and shut us out of this very great factor of our fisheries. That Blaine-Bond treaty, of which so much has been spoken, only permitted the people of Newfoundland to get their codfish, caught in their own waters, into the United States markets free. There are about 5,350 coast miles of fisheries belonging to British America, of which about 2,000 miles are on the coasts of Newfoundland. The United States, north of Cape Hatteras, has about 1,070 miles. We own about 3,329 miles. Now, these British American fisheries, that we sometimes think so little of, are exceedingly valuable, when compared with those of other countries. The sea fisheries of the world produce annually fish to the value of :

British European	sea fisheries.	$34,090,000
British American	do ..	20,195,596
United States	sea fisheries. ..	13,030,821
France	do	12,166,666
Norway	do	6,250,219
Russia (European)	sea fisheries	2,425,156
Russia (Asiatic)	do ..	10,896,625
Netherlands	do ..	1,635,725

You can see how valuable our fisheries are, and if we were to sit idly and quietly by and allow the whole Canadian fisheries to be paralysed without asserting the legitimate rights that we have to the fisheries, or without calling upon the people of Newfoundland to carry out the promise they made when this Act was passed, we would deserve to lose them. I want to emphasize the fact that it would have been perfectly impossible for them to get their Act sanctioned unless they had made it a condition precedent that the rights of the Canadian fishermen should not be interfered with. Newfoundland owns vessels other than those which have their headquarters in Newfoundland ports. Among them are vessels owned in Dundee and Glasgow, and it is simply absurd to suppose that a vessel from Lunenburg, flying the British flag, should be denied the privilege of procuring bait in a Newfoundland port, when a Dundee vessel would experience no such difficulty. We have allowed this question to remain unsettled from season to season hoping that the Government of Newfoundland would come to its senses, and that we could get along amicably together ; but something had to be done when they went so far as to imprison some of our people. Numbers of fishing vessels from our Maritime Province ports have lost a year's fishing. Do you think that those men can go without being paid for that loss ? There is no doubt in my mind that when the question comes before a judicial tribunal the Government of Newfoundland will have to pay these men for the losses they have sustained through being robbed of their rights. Very soon the Newfoundland Government will be called upon, under a judicial decision, to indemnify these men. Now, with regard to these French fisheries, which the Newfoundlanders think they can wipe out by their legislation, it is simply absurd to think that the French Government will be affected by any action that they may take. If it was necessary to put a bounty of 40 francs per quintal on the fish caught by their fishermen, they would grant it in order to protect those fisheries, and when you find a premium like that offered they will get bait. They did get bait all through, and they will continue to get it. It is unfortunate, no doubt, for Newfoundland that those old French treaty rights exist. It is unfortunate for us that some treaties were ever made, but treaties must be observed, and the French Government could not understand how two hundred thousand people in the island of Newfoundland could influence the policy of

the Imperial Government. They could influence the Imperial Government if they were imposed upon, but there is no evidence that they have been imposed upon. These questions must necessarily arise between nations, and I daresay some time or other the British Government will be able to settle this difficulty of the French shore. It is an important question, but it never would have taken any such course as it has followed if a fishery which was not recognized when the treaty was made had not grown up and become a very important branch of the in-shore fisheries of Newfoundland—that is, the lobster fishery. The French fishermen came in and found the lobster traps set and took them up and went on with their own fisheries, as they had a right to do. The following statement of the exports of products of the Newfoundland fisheries in 1882 shows the importance of the cod fishery:

Codfish	$ 6,034,242
Seal	1,026,896
Herring	581,543
Salmon	114,505
Lobster	104,189
All other fish	40,000

giving an annual average of the fisheries of $7,901,370. The product of the French fisheries is not more than one-fifth of that—about $1,390,000. In 1879 they had 7,168 men and 177 vessels engaged in the fishery. The tonnage was 27,865 tons, and the catch amounted to 369,628 quintals. That cannot materially interfere with the price of fish throughout the world. If it were wiped out entirely it would have very little effect, because a very important factor enters into the foreign market—the fisheries of Norway. Therefore, it is not a matter of such vital importance as might be thought by the Newfoundland fishermen. The Newfoundland Government have also cultivated the bank fisheries by granting a bounty of $3 per ton on all vessels engaged in the industry. They have not cultivated it as we have done under our policy adopted in 1879, which has resulted in creating the finest fleet of fishing vessels in the world. Our fishermen who, from boyhood to manhood, and manhood to old age, have been accustomed to visit the shores of Newfoundland every year, and trade with the people of the island, could not understand why they were refused privileges which they had enjoyed all their lives. They went there as usual to get bait and catch fish, but were refused the privileges which were accorded to foreigners. If we were to stand by and see our fishermen treated in that way we would not be doing our duty. It is true when two men or two provinces or two nations quarrel, necessarily reprisals are made, but I hope that better feelings will prevail, and that we may be able to get a renewal of our old trade relations with Newfoundland. We had a *modus vivendi* by which we could have gone on and continued the trade between us until matters were settled. Our interference with the Blaine-Bond Treaty has been referred to. Now, they are only a small population of two hundred thousand, while we are a people of five million. In all matters of trade between this country and the United States we have treated Newfoundland as one of the family. Through the perseverence, energy, tact and talent of our representatives, and the facts which were adduced at Halifax, we were awarded $5,500,000 for the use of our fisheries for ten years, and of that sum Newfoundland got $1,000,000. Had Canada gone to the United States and tried to make a treaty without including Newfoundland the islanders would have had reason to complain, and would have been justified in trying to make a treaty for themselves. Even though we had been so unwise, selfish and unpatriotic as to attempt to make a treaty without including Newfoundland, the Imperial Government would have stepped in and compelled us to consider the interests of our sister colony. That being the case, it was but right for the British Minister at Washington to ask the Canadian Government if we were satisfied with the Blaine-Bond Treaty, and our Government very properly said no. Before Confederation I happened to be a member of the Government of Prince Edward Island, and we thought we could make a trade arrangement with the United States. At that time we imposed light dues and harbour dues, which were hard on the United States fishermen. A United States fishing vessel would come to one of our ports and pay ten cents per ton, then visit a New Brunswick port and pay ten cents there, and a port in another province and pay similar dues there. After Confederation, all the provinces that entered the union at that time made lights free, but we still kept on the ten cents a ton in Prince Edward Island. I was sent to Wash-

ington to make a trade arrangement and we offered to take off this ten cents a ton and make other concessions. As soon as I came before the Committee on Foreign Relations I found that we had no power, and when I went to Sir Edward Thornton he rebuked me and showed me that we had no power to enter into such an arrangement except in conjunction with the other colonies. The Government of Canada have done everything they possibly could to meet this difficulty without losing their self-respect, and I think it is hardly to be expected that we should sit quietly by and allow Newfoundland to make a treaty which would give special privileges to the United States from which we were excluded. My hon. friend from Shell River refers to a pamphlet which was distributed here two or three years ago. That pamphlet had no bearing on this particular question. It related to the fisheries, but only to the inspection of fish. We used to subject Newfoundland fish to inspection when they came to our ports, and it was represented by the Board of Trade of Montreal that this involved a useless expenditure, so far as the user was concerned, because the inspection law of Newfoundland was so strict that it could safely be accepted all over the country. This fact was represented to the Government by the Board of Trade and their view was adopted.

Hon. Mr. MILLER—They are allowed to sell their fish without any inspection at all in our country.

Hon. Mr. HOWLAN—I do not know how you can stop smuggling from St. Pierre, unless you adopt the idea of an old friend of mine. There was at one time a great deal of tea smuggled into Nova Scotia, and he said there was but one way to stop it—take off the duty. I do not know any other way to stop smuggling from St. Pierre. It is very hard for the Newfoundlanders ; but I see no other way of putting a stop to it. A few years ago, a great deal of coal oil was smuggled across the St. Lawrence into this country. When the wind blew in a certain direction it was surprising how many barrels of coal oil floated across the river. I do not see, either, how the few thousand quintals of fish that the French fishermen catch in Newfoundland waters can be reduced, because it is well known that other bait will do, even though they could be prevented from procuring bait under the Newfoundland law ; the only difference is that it is not so easy to get it. When it was necessary for our fishermen, who had missed their bait at Newfoundland, to fit away for their second trip, bait was found in Cape Breton, and carried over the new line of railway therein to the vessels at the Straits of Canso and other places. I mention this fact to show how matters of this kind can be met under difficulties. But this is not the legitimate way, nor should our fishermen be compelled to this makeshift. It was hardly to be expected that we could sleep on our rights under such a state of affairs, particularly when the Crown law officers of England were of opinion we had a perfect right to take bait on the Newfoundland coast. In conclusion, permit me to say I trust we shall soon resume friendly relations with our friends and neighbours in Newfoundland, and that in the meantime I think it would be a matter to be regretted that any further unpleasantness should occur. I also hope sooner or later a condition of affairs may arise in the public mind of her people which may find representatives from among them sitting with us in this Chamber. They are like all islanders—high spirited but hospitable ; and with all such the sober second thought always finally rules.

Hon. Mr. POWER—Perhaps the hon. gentleman from Alberton will not object to say whether the hon. gentleman from Shell River was in error when he said that Canada brought her tariff into operation against Newfoundland before Newfoundland brought her tariff into operation against Canada.

Hon. Mr. HOWLAN—I do not see what object is to be gained by that question. The Government of Canada obtained from Parliament the power to put on the duty if necessary. When did they put on the duty ? Under compulsion—under provocation of the worst kind. If the hon. gentleman owned a couple of vessels at Halifax, and after fitting them out for the fisheries and sending them away, they returned in a couple of weeks without a catch in consequence of not being able to get bait, he would soon see where the difficulty lay—especially when vessels from Newfoundland were coming into Nova Scotia ports and selling their fish in our markets free from duty. We had never thought it an invasion of our rights—never by hint or by act, either

in the press or on the public platform, or by correspondence with the Government; but after the unfriendly act of Newfoundland it was time that something should be done to let those gentlemen know that our rights were not to be trampled upon with impunity.

Hon. Mr. MILLER—I think the hon. gentlemen from the Maritime Provinces have gone so fully into this question, and have so clearly vindicated the Government in its policy towards Newfoundland that it is almost trespassing on the patience of the House to ask hon. gentlemen to give further attention to it. I shall not, however, trespass at any length upon the time of the House. The hon. gentleman from Halifax is desirous that Parliament should have information with regard to the time the respective tariffs of Newfoundland and the Dominion went into operation. It is well understood, and I do not think tells against the contention of the hon. gentleman who preceded me in this debate, that the tariff of Canada which imposed a duty on the fish of Newfoundland coming into the Dominion, was imposed prior to the duty imposed by Newfoundland, under their proclamation, on certain of the products of Canada. These are facts which do not admit of dispute, and, I presume, that none of the hon. gentlemen who have already addressed the House have the slightest desire to conceal that fact; and the ground they took, and clearly sustained, was that the Government of Canada was amply, and more than amply, justified in the course they adopted towards Newfoundland. The facts of the case in regular sequence are as follow: Disputes have been going on for years between the people of Newfoundland and the French fishermen, regarding their respective rights on the coasts of that island. In order to enable the fishermen of Newfoundland to compete with their bounty-fed rivals, the Legislature of that colony passed an Act regulating the selling and catching of bait fishes. Before this Act received the Royal assent in 1887, the Government of Canada had their attention called to it, and perceived that its provisions might be put into operation against Canadian as well as foreign fishing vessels. Our Government then very properly called the attention of the Imperial authorities to the injustice that might result from the passage of such a law, in the existence of a possible state of affairs. The Act would certainly have been disallowed had not the Premier of Newfoundland given a promise that it would not be enforced against our fishermen. There is no question that Newfoundland has broken this solemn promise given to both the Imperial and Canadian Governments. Here was the beginning of the trouble between Canada and Newfoundland, for which the latter was solely responsible. While this state of things was pending the Blaine-Bond reciprocity treaty was negotiated. Canada very properly opposed the ratification of that treaty, and in retaliation Newfoundland refused to sell bait to Canadian fishermen, or grant them any of the rights or privileges granted to American vessels. The Government of Newfoundland, therefore, followed their breach of faith by the first Act of retaliation, as harsh as it was unjustifiable towards vessels flying the same flag. In part satisfaction or compensation for the hardships inflicted on our fishermen, our Government put a very moderate duty on Newfoundland fish entering the ports of Canada. This might reasonably have been done on the first attempt to enforce the license fee for bait against Canadian fishermen, but it was not done until we were completely excluded from even our legal right to purchase bait, or to use the ports of a neighbouring colony, owning the same allegiance as ourselves. Then came the second retaliatory Act of Newfoundland, imposing a prohibitory tariff against Canadian exports, unjust and disadvantageous alike to producers in Canada and consumers in Newfoundland, and discriminating in favour of a foreign country. This is the present state of our relation with Newfoundland. The hon. gentleman who brought this motion before the House has given us some desirable information, and it is not at all to be regretted that a subject of the vast importance of the fisheries of British North America—one of the greatest industries of this young and rising country—an industry in which we take a leading place among other countries, should occasionally be discussed in a body like this, where from want of opportunity to realize the importance of that industry, and from want of inducement to study its importance, there may not exist the same information that we, coming from the Maritime Provinces, possess. It is, therefore, not at all to be regretted that my hon. friend has brought up this question for discussion; and

it should not be regretted if more frequent discussions on this great question should take place in both branches of Parliament, that would give us all an idea of the magnitude and importance of the great fishing industry of Canada. What is that industry ? To-day it is the occupation of thousands and tens of thousands of the most industrious and the most hardy and deserving of our population. That class are engaged in a hazardous, precarious and toilsome avocation ; and they draw from the sea an amount of wealth which is excelled by few others of the great industries of the country. In considering this question these facts must not be lost sight of : The value of the industry in which these men are engaged, the character of it and its vast importance to the country. But it has another aspect. We are not only one of the great fishing nations of the world but we are also, although a dependency of the Empire, high up on the list of the great maritime powers of the world. We are fourth or fifth in rank on the list of maritime powers, and from what source is our great maritime strength to be derived ? To what do we owe it ? Our shipping strength is to be found chiefly in the Maritime Provinces of the Dominion, and our fisheries are the nursery of this great and important industry. It is not alone in regard to the economic value of the fisheries themselves, it is also as a training school from which our mercantile marine are recruited that this industry is of great national importance. In this Dominion of ours we have a great territory, extending from the Atlantic to the Pacific. We have a territory which is destined at some future day, and perhaps not a very distant day, to become one of the great nations of the world. We own the seat of a great empire in the vast country which has been given to us to govern. It is important that every industry and undertaking calculated to develop that country should be encouraged and receive fair treatment and protection. If the country is to realize our hopes it must be great upon sea as upon land, and we have the facilities and resources and necessities to make us not only a great territorial nation but also one of the great maritime powers of the world. That is the destiny that is to be ours if Canada is true to her own interests, and little sectional questions are not allowed to interfere in reviewing questions of a national character. In regard to the dispute between Canada and Newfoundland the hon. gentleman from Shell River has given us a short historical statement of that question. He has referred to the circumstances under which we find the conflicting rights between the French fishermen and our fellow colonists in Newfoundland. It was no doubt in order to protect themselves against the enormous advantages which the French fishermen had, protected by a duty of ten francs a quintal, when they shoved out into the sea to take fish alongside the Newfoundland fishermen and sell them in the same markets. It was, perhaps, justifiable for them under the circumstances in which they found themselves involved, especially in relation to their French rivals, to have passed a Bait Act such as they did pass and which was intended at the time to apply only to foreign fishermen, and especially to the French. That Act was considered so wrong in regard to the other British possessions in North America, however, that when the attention of the Imperial Government was called to it in 1887 they at once refused to sanction it. It was the intention of the Imperial Government to veto the measure had not the Prime Minister of Newfoundland, who was then in London, given to the Colonial Secretary a clear and explicit promise that that law was never intended to be and never would be enforced against Canadian vessels. It was not at the outset enforced, but subsequently an amendatory Act was passed, in 1889, applying the license system not only to foreign vessels but to Canadian vessels. Our people complained that it was a great hardship in the face of all the concessions that Canada had given to Newfoundland fishermen, and considering that we allowed their fish to come into our country free of duty, and that we allowed their fishermen all the privileges in our ports which our own enjoyed—that we built lights on their coasts, which they taxed us for, and considering everything that Canada had done to show her good will towards Newfoundland, it would not have been unreasonable for us to expect that our fishermen should get bait free in the ports of Newfoundland. This was the condition of things when the Blaine-Bond Treaty was negotiated—a treaty which, as the hon. gentleman from Lunenburg well remarked, was a complete abrogation of the protective clauses

of the treaty of 1818, so far as Newfoundland was concerned, under which our fishing rights on the Atlantic coast are protected, and under which alone we expect to get anything like a fair reciprocity treaty in regard to our fisheries from the United States. If Newfoundland had the power, from its geographical position and its command of certain fisheries, to practically abrogate the treaty of 1818 by supplying American vessels with bait, and giving them all the privileges that they are denied by the treaty of 1818, what would be the value of that treaty, so impaired, to the rest of the Dominion? That was one of the chief grounds upon which the Government of Canada took its stand in opposing the Blaine-Bond Treaty. But they had also a very good ground in this: that it was not very fair to allow one province to make a treaty which would discriminate against another British province. One British province should not be allowed to discriminate against another British province, any more than a British province should be allowed to discriminate against the mother country. If such a policy were possible and permissible, annexation would be the almost inevitable result, and for this reason, it would be in the power of the United States to play the game which they did attempt to play with regard to Prince Edward Island first, and then with Newfoundland—that is, to make particular treaties with the different provinces, and excite rivalries, jealousies, and antagonistic interests, and thus engender such a state of confusion and discontent amongst ourselves as would leave us open to no other course than to throw ourselves into the arms of the Republic. If any of our provinces were allowed to do this, it would be giving them an advantage which would be unjust to all the other provinces of Canada. It was because the Canadian Government, acting within its legitimate functions, and in simple obedience to its duty to the people of Canada—and not only to the people of Canada, but to the people of the Empire—opposed the ratification by the Imperial Government of the Blaine-Bond Treaty, that the Government of Newfoundland imposed a discriminating tariff against us. I say that the Government of Canada would have been recreant to its duty had it not used all the influence it could with the Imperial authorities to have that treaty vetoed. Had our Government not done so what would have been the next step? Our vessels were treated most unfairly upon the coasts of Newfoundland. They were hardly allowed the privileges which were accorded to the shipping of foreign nations; they were not allowed to stay in the ports of Newfoundland at all, and they were prohibited from purchasing or taking bait upon any terms whatever. Newfoundland fish came into our ports free; their vessels were treated in our ports as if they were our own? Could we stand their treatment any longer? Could the Government stand by and look upon this injustice being perpetrated upon our people without asking themselves "Have we no means to counteract the injustice that is being inflicted upon a great industry and a valued class of our people?" I say that they would have been recreant to their duty had they not stepped in when they did and taken a very important step indeed towards giving some compensation to the fishermen of Canada for the manner in which they were treated by the Government of Newfoundland. They have not gone as far as they possibly may have to go yet. There are other important questions to be considered if retaliation should continue necessary. It may be a question with our Government whether we will allow vessels of Newfoundland to come into our ports without paying light dues, or to fish on the coast of Labrador on the same terms as our people, and more than that, to take Canadian supplies there without charging duties upon them. These are important privileges which have not been interfered with as yet, and it may be a question which the Government will have to deal with. For my part I trust that our Government may not have to go further in this direction. I desire that the best relations should prevail between this Dominion and the historic colony of Newfoundland. It is the oldest colony of the Crown and it is, compared with ourselves, weak and not well off. Its people are engaged in a very precarious and laborious method of earning their livelihood. It is desirable, and I am sure it is the wish of the people everywhere, rather than have any difficulty or bad feeling between this Dominion and our sister colony, that we should make some sacrifice. We should act not only with justice, but with magnanimity towards our sister colony. I trust that whatever may be the result of the difficulties which we have got into with Newfoundland the

Government of the Dominion will be able hereafter to say that it has not been our fault if we did not come to some friendly and satisfactory arrangement with Newfoundland in connection with the present difficulty. I do not believe that, in speaking on this question, we should blame the people of Newfoundland for the trouble that exists. I believe that the majority of the people of Newfoundland, if they had the opportunity of speaking to-morrow, would condemn the conduct of the Government, and that being the case it is not for us, I think, to urge any avoidable measures of harshness towards the people in retaliation for the conduct of an Executive which many people suppose does not fairly represent public opinion in Newfoundland. For my own part I look forward to the day when Newfoundland will form a portion of this Dominion, and one of the questions which even now presents itself to public view in connection with our present difficulties is the necessity of rounding off the Dominion by the addition of the key to the Gulf of St. Lawrence the very valuable and important island of Newfoundland.

Hon. Mr. POWER — I think the House is to be congratulated upon the discussion of this afternoon. The hon. gentleman from Shell River has given a great deal of valuable information to the House. His speech showed that he had very carefully studied an important subject, and he dealt with it in a temper which I was glad to see was shared by most of the gentlemen who followed him. The hon. gentleman did not condemn the Government—at least I did not so understand him. He pointed out, as I think it is well should be done in these cases, how we had come to have a difficulty with Newfoundland. He pointed out the reason why Newfoundland had got into the frame of mind in which she apparently is, and he simply asked that those excuses should be given fair consideration. I was very much gratified to notice that, and also to notice that the hon. gentleman who has just resumed his seat took, at the close of his speech, the same ground, that we should remember that the people of Newfoundland were our fellow-colonists and fellow-subjects, that they were acting under the stress of very unfavourable circumstances, and that we should make every allowance for their position and if possible endeavour to arrange the difficulties which exist between Canada and Newfoundland without resorting to extreme measures. It is a long time since we have had a discussion in this House which has been as satisfactory to the gentlemen present, and has been so much calculated to indicate the way in which the Senate can be of service to the public. A very important question affecting various interests in the Dominion has been discussed with an impartiality and a moderation of tone and temper which it would be almost impossible to secure in the other branch of Parliament. I think that discussions of this kind are just the discussions which we ought to expect to have in the Senate, and which, perhaps, we do not have as often as we should. I hope the example of the hon. gentleman from Shell River will be followed to a very considerable extent in the future by other hon. gentlemen. I do not think I can add anything to the information before the House, and I simply wish to say that we should try to put ourselves in the places of the Newfoundlanders. I do not deny that the conduct of Newfoundland towards Canada has been unfriendly, and perhaps unreasonable; but we must put ourselves in the position of Newfoundland, and it was one of the admirable features of the speech made by the hon. gentleman who introduced this resolution that he gave us a history of the case, and pointed out the difficulties under which Newfoundland laboured, and which naturally and necessarily irritated the people and their Government. The immediate cause of the present trouble—I am not saying anything about the passage of the Bait Act—but the thing which brought about the present acute stage of what one might call the hostilities between the two colonies, is the interference of Canada in the Blaine-Bond Treaty, so called. I was glad to notice that the hon. gentleman from Shell River, as well as every other hon. gentleman who has spoken, took the ground that the conduct of the Government in that matter was perfectly justifiable, and that the Government would not have been doing their duty by the people of Canada, and by other people of the empire, if they had not interfered to prevent the Blaine-Bond Treaty from going into operation. I must say that on reading over that proposed treaty carefully I could not help being struck by the fact that it was one of the most one-sided proposals that I had

ever seen. Hon. gentlemen who have spoken of the treaty have omitted the fact that Newfoundland fish were not all allowed to go into the United States free—only a certain portion of the fish of Newfoundland ; but hon. gentlemen can understand this : that the people of Newfoundland were suffering between the poverty of their own country and a failure of some of their fisheries, and the disastrous competition of French codfishers, and had got the impression into their minds that this treaty with the United States was a sort of panacea, which would be sure to remove the evils under which they suffered, and naturally when Canada interfered in that matter there were plenty of politicians in Newfoundland, just as there are plenty in Canada, who were prepared to try and impose upon the people and make them believe that if it had not been for the action of the Canadian Government they would have had the treaty, and the treaty would have made them all rich and happy in a short time. The people who had been interfered with felt very angry and very much irritated with Canada ; but I believe that when they come to think over the matter coolly after the lapse of time they will realize that it was really a good thing that that Blaine-Bond Treaty was not allowed to go into operation. The whole subject is one on which a good deal could be said, but I think the question has been put before the House in a clear and satisfactory way, and probably it is as well that I should not discuss it any further.

Hon. Mr. BOULTON—I will just make a few remarks to controvert one or two points that have been brought up by hon. gentlemen who have taken part in the debate. I must say that I regret I have not been able to impress upon my hon. friend from Alberton, and my hon. friend from Lunenburg the necessity that exists for acting in a more friendly spirit towards our fellow colonists in Newfoundland. I think the same spirit that animated them to take the stand they did still animates them. I think I have brought forward many points to induce us to take the opposite view. I am very glad to see that the hon. gentleman from Richmond was more moderate in his views, and that he felt there were a great many allowances to be made for the peculiar circumstances of Newfoundland. I cannot help thinking that it would be a wise policy it such a change can be brought about in an honourable manner, if the Imperial Government could make an honourable compromise with the French Government to do away with any rights they claim in Newfoundland. It would be not only an advantage to Canada, but an advantage to Newfoundland. All the hon. gentlemen who have spoken before me, and who are supposed to know what is going on have acknowledged that a large amount of smuggling goes on from St. Pierre and Miquelon, and that it is detrimental to the interest of the Canadian people who are engaged in that smuggling to permit it to continue. We have certainly one method of abolishing it, and that is by adopting a free trade policy. We cannot, of course, abolish it in toto, for there are certain things even under free trade that would come in as contraband, but it is unfortunate that we should have two little bits of islands close to Newfoundland under foreign rule, that can be used as a nursery for a trade that is demoralizing to the country, and a great loss to the revenue of the Dominion.

Hon. Mr. McDONALD—How can you prevent it ?

Hon. Mr. BOULTON—You can prevent anything at all if you have the spirit to do so by adopting free trade, and by having a British consul on the island and instituting a bait Act that will make the fisheries of less value to the French fishermen. It is our privilege to defend ourselves in that way without being considered contumacious. The French Government might then be induced to yield up the privileges they have on the island of St. Pierre and Miquelon, as not possessing the same value as heretofore. The hon. gentleman from Alberton commented upon my position last year in regard to this question. I called the attention of the Government last year to the fact that one of our fishermen had been imprisoned for contravening the Bait Act. I was perfectly right in my statement then. I saw a statement in the papers that a Canadian citizen had been imprisoned by the Newfoundland Government and I took it for granted it was in consequence of our action in the Blaine-Bond Treaty. I have since looked into the correspondence and the returns to see where the right and the wrong was, and if I have changed my opinion it is because I have studied the question, and it is only by study and by enquiry that any man

will change his opinion, and if you change your opinion from conviction it is sound; if it is otherwise it is not a sound position. I have given the result of my enquiry; I have given the result of the correspondence collated to this hon. House, and I leave it to the House to judge whether I was not right in changing my opinion in that respect. I certainly can express with the hon. gentleman from Richmond the hope that some day the island of Newfoundland and the Government of Newfoundland will become united with the Dominion; and if such should be the case then we will have representatives from Newfoundland discussing these questions with us and expressing their views on these and other important questions affecting both countries and the future destiny of the Dominion.

Hon. Mr. POWER—The House will excuse me if I say one word. Two or three hon. gentlemen have laid a good deal of stress on my enquiry as to which came first, the proclamation of the Canadian Government bringing the tariff into operation against Newfoundland or that of the Newfoundland Government bringing their tariff into operation against Canada. The reason I asked that question and thought it of importance was this: that, leaving everything else aside, inasmuch as we exported to Newfoundland three or four times as much as we imported from Newfoundland the putting into force of the two tariffs was very much to the injury of Canada. The balance of injury was very much on our side. Then I heard some hon. gentleman make some reference to the fact that fish came into Canada from Newfoundland before the tariff was put into operation. As a matter of fact, the fish which came into Canada from Newfoundland did not really enter into any serious competition with our own fish at all; it was used chiefly, that which came to Halifax, for purposes for which our local fish did not suit, to assort and complete cargoes going to the West Indies and South America, and I notice that the Chamber of Commerce in Halifax have recently passed resolutions in favour of the renewal of that trade with Newfoundland, and of getting rid of the tariff.

Hon. Mr. KAULBACH—Does my hon. friend say that Newfoundland fish coming into Halifax did not reduce the price of the fish sold by our fishermen? We all know that there were thousands and thousands of dollars lost to our fishermen in consequence of it.

Hon. Mr. ABBOTT moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Wednesday, March 30th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

MARINE AND FISHERIES BILL.

THIRD READING.

Hon. Mr. ABBOTT moved the third reading of (Bill 12) "An Act respecting the Department of Marine and Fisheries."

Hon. Mr. POWER—I do not think that the Bill should be read the third time without being first amended, and the amendment that I propose to offer to the House is to strike out the 4th clause of the Bill. That clause is as follows:—

"4. The Governor in Council may at any time assign any of the duties and powers hereby assigned to and vested in the Minister of Marine and Fisheries to any other member of the Queen's Privy Council for Canada and his Department; and from the period appointed for that purpose by Order in Council such duties and powers shall be transferred to and vested in such other member of the Queen's Privy Council for Canada and his Department."

Now, I think that that clause is objectionable. I may mention that it did not appear in the original chapter of the Revised Statutes, the place of which this Bill is intended to take; and it is a clause which does not appear, in the legislation with respect to other departments of the Government. This clause undertakes to give to the Governor in Council a right to exercise power which I think should be exercised only by Parliament. It is true that the other day we passed a Bill with respect to the Geological Survey, providing that that sub-department might be placed under the control of any member of the Government whom His Excellency in Council chose

to designate, but there was a reason for that which there is not in this case. It was pointed out that that department for certain reasons would come more properly under the jurisdiction of the Minister of Agriculture than under the jurisdiction of the Minister of the Interior, where it had been in the past. I understand it is proposed to transfer the immigration service from the Agricultural Department to the Department of the Interior. It was found to be more convenient. The spheres of the Department of the Interior and the Department of Agriculture are cognate, and it may, as happened in these cases, be convenient that certain work which was at one time assigned to one department should be transferred to another, but there is no such reason with respect to the proposed change in the Marine and Fisheries Department. There is no other department of the Government whose sphere is cognate to that of the Fisheries Department. If hon. gentlemen will take the trouble to look at the schedule of the Bill they will be satisfied on that point. I shall not read the whole of the schedule, but here are a few of the subjects with which the Marine and Fisheries Department has to deal :

1. Pilots and pilotage, and decayed pilots' fund.
2. The construction and maintenance of lighthouses, light-ships, fog-alarms, buoys and beacons.
3. Ports and harbours, harbour commissioners and harbour masters.
4. Piers, wharves and breakwaters, and the collection of tolls in connection therewith, and the minor repairs on such properties.
5. Steamships and vessels belonging to the Government of Canada engaged in connection with services administered by the Minister of Marine and Fisheries.
6. Sick and distressed seamen, and the establishment, regulation and maintenance of marine and seamen's hospitals.
7. River and harbour police.

It will be perceived, by reference to the schedule, that the matters assigned to the Department of Marine and Fisheries are all, in a certain sense, *sui generis*, and are not akin to the matters which are placed under the jurisdiction of any Minister other than the Minister of Marine and Fisheries. If hon. gentlemen will look at the Revised Statutes they will find that, as regards the Departments of Customs, Finance, Inland Revenue, Railways and Canals, Public Works, Militia and Defence and Post Office, there is no such power as this sweeping power which is given by the fourth clause of the Bill, authorizing the Governor in Council to transfer practically the whole of the business of the Fisheries Department to the Minister of any other department. If a change of that sort becomes necessary, it should be made by Parliament and not by the Governor in Council. Parliament meets every year, and if it should be found necessary to make an important change of that kind, it is easy enough to get the authority from Parliament ; and I think we should keep control of these matters in our own hands. If the principle which is involved in this clause is to prevail and become general, we might as well do away with all the existing legislation with respect to the various departments, and simply say that the Government shall consist of thirteen ministers and that these gentlemen shall apportion the public business between them in such a way as they may mutually agree upon. I daresay there would be a great many conveniences in that, but it has not been the plan which has been adopted in Canada, or in any other country ; and I think Parliament should retain the control of these matters in its own hands. For that reason I move that the fourth clause be stricken out of the Bill.

Hon. Mr. KAULBACH—I have not gone through all the Acts respecting the other departments ; but I find that the very next Act in the Revised Statutes is that respecting the Department of Secretary of State, and I see that the same powers are granted there that are proposed to be granted here, viz. : that the Governor in Council may assign to some other department a portion of the business of that department. I presume that this change is only for some temporary purpose—in case of sickness or some contingency of that kind —and I cannot see why there should be any objection to one department of the public business being assigned a portion of the business of another department, if it can be better performed there. I see by the Bill before us that the subject matters within the control and management of the Department of Marine and Fisheries are 24 in number, while I find that in the Bill passed in 1876 there are only 9 subjects. It may be that they are sub-divided in some way. I would ask the hon. Premier if there is any new powers given to the Department of Marine and Fisheries by this Bill ?

Hon. Mr. ABBOTT—No.

Hon. Mr. KAULBACH—I see by the Act passed in 1886 in the schedule there are 9 heads, and now there are 24.

Hon. Mr. ABBOTT—I think the objection of my hon. friend from Halifax is somewhat shadowy. He objects that the Government should have power to allot some of the duties of the Department of Marine and Fisheries to the minister of another department. As the Governor in Council appoints the Minister of Marine, and entrusts him with all the duties imposed on the Department of Marine, surely the Governor in Council may have the power of allotting some of the those duties to another minister. That is a less exercise of power than giving all of them to a particular minister. I do not see any reason in the objection at all; on the contrary I see a great many reasons in favour of this Bill. If hon. gentlemen will look at the Act it will be found that one branch of the duties of that Department is the construction of public works. There are a great many works in connection with Marine and Fisheries which that department now undertakes, and this seems to me to be somewhat inconsistent. The Department of Public Works has the machinery, the means, and the men, for doing public works, and it is by the Department of Public Works that such works are usually constructed. If it should be found at any time to be more convenient, and more judicious, that the Public Works Department should be entrusted with the construction of lighthouses, piers, wharves and harbours, which at present is frequently the case, surely there could be no objection to make that change. And if there should be found any line of duty entrusted to any department which would be better performed by another, with similar power, there could be no objection to assign it to such other. I do not know that there is in contemplation at this moment any special change in the department with respect to these powers; and the same power has been taken in several Statutes, and applies at this moment to several departments. As the hon. gentleman from Lunenburg has pointed out, these powers are contained in the Act respecting the Department of the Secretary of State, and in others.

Hon. Mr. POWER—No; I do not think it.

Hon. Mr. ABBOTT—In respect to the Department of Interior, and the Department of Agriculture there is no necessity for an Act to remove the control of immigration from the Department of Agriculture to the Department of Interior. In the Geological Survey, the control of the survey was allotted to the Department of Interior by Statute, and for that reason it was necessary to have another Statute to remove it from that department, and it is proposed by the Act which is either passed, or in course of being passed, that the Governor in Council shall have the right to allot the control of the Geological Survey to such other department as he and they may think proper. I do not see for my part why the same rule should not be applied to the Department of Marine and Fisheries. I see many reasons why it would be advantageous to have the power of transferring from that department to another department duties which properly pertain to another department, and I see no excessive jurisdiction given to the Governor in Council in granting the power to allot a portion of the duties of the Minister of Marine and Fisheries to another minister, while under the constitution he can allot the whole of the duties to another minister. I object to the amendment of my hon. friend, and I think the Bill should pass as it is.

Hon. Mr. MASSON—I remember when I was at the head of the Militia Department that there were two branches—one, the militia proper, and the other the building of drill halls, &c., which went to the Department of Public Works. Do I understand that the Government now want to do in the Department of Marine and Fisheries what they might do in the Militia Department as well—transfer all the building of works pertaining to the department to the Miniser of Public Works? Has that been done in the Militia Department since I was head of it? If it has not been done I do not see why we should take some of the duties away from the Minister of Marine and Fisheries and give them to the Minister of Public Works if we do not take similar duties away from the Minister of Militia and give them to the Public Works. The same principle should apply in both cases. It is only the transferring of such duties from one minister to another minister, but not transferring the powers of one minister to another, as I understand?

Hon. Mr. KAULBACH—And only for a limited time.

Hon. Mr. ABBOTT—All I can say to my hon. friend on that subject is this: the Bill which is now before the House applies only to the Department of Marine and Fisheries. I do not know what the powers of the Minister of Militia are, in respect of public works, but I am under the impression at this moment that the Minister of Militia exercises some powers in connection with public works in his department. If the Militia Department, or any other department, has functions which would be better performed by some other, we ought to have a statute which would permit the Governor in Council to transfer these duties to the department where they more properly belong. That is what they want in this Bill.

Hon. Mr. POWER—I think the hon. gentleman has given a reply which does not answer the objection. The hon. gentleman has suggested that certain matters which now come under the jurisdiction of the Minister of Marine and Fisheries may more properly be under the jurisdiction of another minister. Then why does the Government not introduce legislation to transfer this work to the jurisdiction of another minister? That is the way to cure the difficulty. I think that everyone should know under what jurisdiction any given subject is, so that one will know whether he has to apply to the Minister of Marine and Fisheries or to the Minister of Public Works. That is my view of it. I simply say: let Parliament apportion the work; do not have it done by an Order in Council. I think Parliament should keep the control of these things to itself.

Hon. Mr. KAULBACH—It is merely a temporary assignment.

Hon. Mr. POWER—There is nothing in the Bill to show that it is temporary, and in the case of the Department of Secretary of State the thing was different altogether. That was a sort, if I may be allowed to say so of a department, of *refugium peccatorum*; anything for which the Government could not find a convenient place was put into the Department of the Secretary of State, for in olden times the Secretary of State had not very much to do. Since the Secretary of State has taken charge of the printing bureau, I do not think there is any inclination to give him more work.

Hon. Mr. ABBOTT—My hon. friend should, I think, do justice to the legislation as it stands. There is no reason for depreciating the office of the Secretary of State.

Hon. Mr. POWER—I am not depreciating the office.

Hon. Mr. ABBOTT—That department has a number of very important functions to perform, and in respect to that department, Parliament has enacted that the Governor in Council may assign any of its duties to any other member of the Privy Council. Then, the very next statute provides that there shall be a department which shall be called the Department of Public Printing and Stationery, over which the Secretary of State of Canada, or such other member of the Privy Council as the Governor in Council may decide, shall preside. The legislation is not uniform, but it is quite plain that the principle of the present Bill is sanctioned by numerous Acts of Parliament.

The amendment was declared lost on a division.

The Bill was then read the third time and passed.

DEVELOPMENT OF SEA FISHERIES BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (5) "An Act futher to amend chapter ninety-six of the Revised Statutes, intituled, 'An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.'"

On the first clause—

Hon. Mr. POWER—The Act which this Bill proposes to amend is an Act for the encouragement and development of the sea fisheries and to promote the building of fishing vessels. That Act was passed in 1882 and provided for the distribution of a sum of about $150,000 amongst the owners of fishing vessels and boats. The appropriation is generally spoken of as the fishing bounty money. The second section of the Act provides that the grant shall be appropriated for the said purpose at such time and by such instalments in each year as the Governor in Council may direct. The third section of the Act, which this Bill proposes to repeal, provides that during each session of Parliament a statement shall be laid before Parliament of the mode in which it is proposed to distribute the grant and that the assent of Parliament shall be

obtained thereto. The reason assigned for striking out the third section is that it has been found, it is alleged, that this requirement that the statement shall be submitted to Parliament before the bounty is distributed, would interfere very seriously with the distribution of this money. If the Government were to wait before distributing this bounty money until after the meeting of Parliament, and the statement would have been submitted and received the assent of Parliament, the most advantageous time for distributing this money to the fishermen would have passed. That is the reason given for the proposed change in the law. It will be obsreved that Parliament by this Bill gives up a portion of its control over the expenditure of the money. It will also be noticed that the proposed amendment, when adopted, will leave the matter in a rather unsatisfactory and vague condition. I think it is desirable that the amendment should be made in the direction which I am going to propose : In the first place, because the bounty money should be distributed before the fishing begins, at any rate before the vessels begin to go away on the spring fishing. If this money is to do the work which it was intended to do—that is, to encourage the construction of fishing vessels and to induce men to engage in the work of fishing—then it should be distributed as early as practicable in the season, so as to enable these men to build vessels and boats, and to enable the fishermen to purchase necessary supplies for their families while they are away fishing. On that point the minister who promoted the Bill in the other Chamber takes the same view of the matter as, I think, nearly every body else does. It was stated that the department had been taking steps to secure the early distribution of the money. Some years ago this money was not distributed until comparatively late in the season, and it was found that it did not do as much good then as if it had been distributed earlier. Recognizing these facts, and agreeing with the minister who promoted the Bill, we should go a little further and provide by law a time within which the money should be distributed, because, if for no other reason, the day may come when some other gentleman may take the position now occupied by the present Minister of Marine and Fisheries—perhaps one of his own colleagues—who would not be as energetic as he is, and this fishing bounty, which it is so desirable should be distributed as early as possible, may be distributed, as it was some years ago, much later and in such a way as not to do nearly as much good as it should. I think therefore, that Parliament should fix a time before which the money should be paid. That is one reason why I think an amendment should be made. The other reason is this : The money which is granted out of the funds in the public treasury, which funds are contributed by people of all shades of political opinion, should not be used to benefit either political party. For one, I think it is a justifiable thing that the Conservative party should claim credit for having introduced the system of fishing bounties. That is a fair and legitimate argument in appealing to the electorate. It is not generally stated, I may mention here by way of parenthesis, when credit is claimed for having introduced this system of paying fishing bounties, that the Minister of Finance of that day, when he introduced the measure, proposed to give the bounty for only one year, and that a year in which there was a general election about being held, and the suggestion that this should be made a permanent thing came from the Opposition side of the House at that day.

Hon. Mr. MILLER—No, no.

Hon. Mr. POWER—The suggestion was made by the hon. gentleman who then sat for West Durham.

Hon. Mr. MILLER—I think when Sir Charles Tupper introduced the resolution——

Hon. Mr. POWER—Excuse me, it was not Sir Charles Tupper who introduced it.

Hon. Mr. MILLER—It was during his time.

Hon. Mr. POWER—I beg the hon. gentleman's pardon.

Hon. Mr. MILLER—The resolution on which the fishing bounty was first carried through Parliament was introduced, if I mistake not, by Sir Charles Tupper, and it was said then to be an electioneering dodge.

Hon. Mr. POWER—It was in 1882.

Hon. Mr. MILLER—1882 was not the eve of a general election.

Hon. Mr. POWER—There was a general election shortly afterwards. As I have said, it is a fair thing for the Conservative party

to claim credit for having introduced the system of fishing bounties. That is not an unreasonable thing, and I think they should be satisfied with that. The fact is, they are not so satisfied, and they have adopted such a course in dealing with this money in the past as would be calculated to leave the impression on the minds of electors, who were not very well informed as to parliamentary practice, and the ways of the Dominion Government, that this money was something which is given to the fishermen by the present Government, and by the Conservative party—that it is not the public money, but money which is owned by the Government, and by the Conservative party, and which is distributed to the electors by those gentlemen out of the goodness of their own hearts. What they give the electors is something which the people really pay themselves. It may seem rather an improbable statement——

Hon. Mr. ABBOTT—Very.

Hon. Mr. POWER—But I shall give the House some illustrations of the truth of that fact—that the attempt is made to leave an impression on the minds of the electors that this fishing bounty is a free gift made by the Conservative party to the fishermen of the country. I do not care to speak of things which I do not know; but I can speak of my own province and the county from which I come. There was a local general election in the Province of Nova Scotia in the end of May, 1890; and in that year the fishing bounty was distributed to the fishermen in Halifax county, and I understand in other counties as well, just on the eve of the election, in the latter half of the month of May. It must be remembered that the same gentleman was then Minister of Marine and Fisheries who now fills that office. There was a general election for the House of Commons on the 5th March, 1891. That was considerably —two and a-half months—before the time when the local election had been held during the previous year; and strange to say the fishing bounty was distributed within a week before the election which was held on the 5th March. We had a bye election in Halifax during the present year, and we had bye elections in the county from which the hon. gentleman from Richmond comes, and another in Cape Breton county; and I understand that in one of those counties, where the election took place some two or three weeks before the Halifax election, the fishing bounty money was distributed before the election.

Hon. Mr. MILLER—Not in Richmond county.

Hon. Mr. POWER—I cannot speak for Richmond, but I know that in Halifax county the money was distributed in many cases on the very eve before the election.

Hon. Mr. ABBOTT—What month?

Hon. Mr. POWER—The month of February. The money was distributed in one case on the 10th February. Here we had it in the latter part of May, the beginning of March, and now the beginning of February. I may mention, in order to identify the thing so that there shall not be any question about it, that this was done in several parts of the county of Halifax, but I can mention one particuler place which I happen to know about. In the settlement of Jeddore, east of Halifax, there was a political meeting the second day before the election. The election was held, I think, on Thursday, and there was a meeting held in this settlement on the preceding Tuesday evening.

Hon. Mr. ABBOTT—What month?

Hon. Mr. POWER—Thursday was the 11th February, and Tuesday would be the 9th. There was a meeting held on the 9th February, at which gentlemen on both sides of politics addressed the electors; and then, about the close of the meeting, a gentleman stepped forward, and clapping his hand on his pocket, said: "These arguments you have listened to may be very fine, but I have the best argument here in my pocket—I have $500 in fishing bounty cheques, which I am going to distribute to-morrow." In the county of Halifax, at any rate, in a great many instances the men who distributed the fishing bounty were simply Conservative canvassers. It must strike hon. gentlemen that this is not fair play; it is carrying the thing too far altogether. While it is excusable that the Government should claim credit for introducing this system, it is going too far when they undertake to distribute the money so as to really make it a sort of bribe on behalf of the Conservative candidates, just on the eve of elections. I remember having heard with a

great deal of pleasure the vigorous and edifying language used by the hon. Premier on the floor of this House last year when he declared the intention of the Government to punish wrong-doing, crookedness and dishonesty, no matter by whom perpetrated.

Hon. Mr. ABBOTT—Hear, hear.

Hon. Mr. POWER—I take it this abuse of the fishing bounty is wrong-doing of a serious character, and is decidedly crooked. It is really an appropriation of the public funds of the country—I do not say by the Minister, but by his subordinates, who could not probably make it without his permission and knowledge—an appropriation of public moneys for election funds. Now, that is just the sort of offence which was condemned so very decidedly in the case of the Province of Quebec, and I do not see why it should not be condemned when it happens to be done in the Dominion. I understand that it was stated in another place that the Minister was not aware of the manner in which this fishing bounty fund had been abused. If that be the case—and one is obliged to believe that it is—I think the Government should be desirous to be placed in such a position that they could not be suspected of abusing this fund. The nearest approximation which we can make to that desirable state of things is by deciding that this money shall be distributed on or before a certain date in the year. That is a desirable thing, because it is well that the fishermen should get their money early in the season, and that they should know that they are entitled to get it then; and it is well that the reputation of the Government should not be in danger of being injured by the supposition that they are parties to transactions such as those to which I have referred. I move, therefore, that the following words be added at the end of the only clause in the Bill:—

"and the following section substituted therefor:—

"3. Notwithstanding anything in the next preceding section, such grant shall be distributed, to the several persons entitled to receive instalments thereof, on or before the 31st day of March in each year."

Hon. Mr. PROWSE—The last speaker has paid rather a poor compliment to the electors of Halifax county and the fishermen of that district. It is well known that the application for this bounty has to be made by the fishermen before the end of the year. It is sent up to Ottawa, and these fishermen look upon that as equal to a bank note—they are certain and sure of getting their money as soon as the department can make the distribution of it. Now, if the argument and statements of the hon. gentleman are correct, certainly I have great fault to find with the Government myself, because I come from a fishing district, and the distribution of the bounty money there is placed in the hands of one of the strongest and most active Grit canvassers to be found in that section, and these fishermen have to draw the money themselves personally from the officer who has the distribution of the bounty cheques, and certainly the party to whom I refer has a very strong argument in persuading the fishermen to vote against the Government of the day, because he gives the cheques or withholds them from the fishermen as he thinks proper. Instead of that, however, our fishermen never heard a whisper of any corrupt influence that was being used in the distribution of this money, and I think the hon. gentleman from Halifax pays a poor compliment to the honesty and intelligence of the fishermen and the electors of his political stripe, if he thinks they are so easily bribed.

Hon. Mr. POWER—I do not see that the fishermen were much influenced by it.

Hon. Mr. KAULBACH—I must say that I agree with my hon. friend, that the remarks of the hon. gentleman from Halifax are a reflection on the intelligence of the fishermen of Nova Scotia, especially those of the county from which he comes. I know that my hon. friend is one of the great organizers of the party in his county, and he knows a great deal about election tactics, and he professes to know a great deal about corrupt influence used by the Conservative party. I must say, from my own knowledge, the fishing bounty has never been used in my county for such a purpose as the hon. gentleman says, and no attempt has ever been made to use it in such a way. The fishermen claim that the money is theirs—that they have earned it, and that it should be distributed as early as possible after they have earned it. I know myself that I applied to the Minister of Marine and Fisheries to have the distribution made as soon as possible after the money is earned, and the result of my efforts, combined with the efforts of others, was that the Government has made

every effort to have the money distributed early and there has been a great improvement in the last two years. My hon. friend is certainly wrong in endeavouring to represent to this House that the fishermen who get the money do not know that it is their own and that it can be used for corrupt purposes—that they suppose it is merely distributed by the Government as a generous act on their part. I agree with my hon. friend that the money should be distributed as soon as possible, but there may be reason why the money could not be distributed within a given time, and I do not see why the Government should be tied down to a given time. If the Government want to be popular and to have the good will of the people they will see that the money is distributed as soon as possible after it is earned.

Hon. Mr. ABBOTT—I do not think my hon. friend who moved this motion quite understood the character of the clause which he discussed, and which it is proposed to strike out of it, though the discussion of it is not very important since I see he agrees in striking out that clause. He said that the reason given for striking it out was that it made the payment to these people too late. In fact the clause has no bearing at all upon the date at which payment is to be made. The clause which is to be struck out says that during each session a statement shall be laid before both Houses of Parliament of the mode in which it is proposed to distribute the grant in the ensuing year ; so that if this clause remains in force we shall have to prepare and lay before Parliament this session a statement of the way the bounty is to be distributed in the year 1893. That is the language of it. It is utterly impossible to conform to it. The distribution of the bounty depends upon what the fishermen are doing, and its distribution cannot be decided upon until we know what the fishermen have done. The reason my hon. friend supposed was the motive for repealing this clause does not exist, and does not apply at all. My hon. friend admits that we are right in striking out that clause, only he proposes a remedy for a state of things which he says exists with regard to the distribution of this money. As to the working of the Act I do not know whether the House understands it or not. The hon. gentleman from Prince Edward Island (Mr. Prowse) evidently understands it thoroughly and no doubt most of the maritime members understand it also. The claims of the fishermen who imagine they have a right to this bounty are called for towards the end of the year. Notice is given all through the portion of the country where these fishermen live, inviting them to produce their claims within a certain time, and the time which I think is fixed at present is the 1st December. It was the 31st December, but I think it has been made lately a little earlier. At all events the time is fixed towards the end of the year, a most convenient time, since by that time the fishing is practically over for the season. The consequence of the presentation of these claims is that as soon as it is practicable to make a kind of dividend sheet of the money, based upon these claims, it is done, and the money is paid, as my hon. friend's own statement shows, in February. The most recent payment was the 5th of March. He spoke of four payments, one in May, which was very late, another in the beginning of February, one later on in February, and one in the beginning of March.

Hon. Mr. MILLER—That may have been in consequence of the fishermen not having called for their cheques.

Hon. Mr. POWER—I said that in 1890 the bounty was paid about the middle of May, in 1891 it was paid in the beginning of March, and in 1892 it was paid in the beginning of February.

Hon. Mr. ABBOTT—It appears from what my hon. friend himself stated that these payments are made within a reasonabe time after the claims have been received by the Government, that is after the Government has been furnished with the means of making out a statement showing the distribution of the money. My hon. friend has found two or three instances in which elections have taken place at a time near the time when these payments have been made, and immediately connects that circumstance with a charge that the money paid to these fishermen was paid to them in a manner to make them believe that it was a free gift from the Government to induce them to vote for the Conservative party. I do not know if my hon. friend has anything more than a suspicion to support these charges as to corrupt influences used by the Conservative party, or whether he takes the course usual among his friends of assert-

ing an act to be corrupt merely because it has been an act of a Conservative, notwithstanding the almost daily decisions of the courts, by which Liberal after Liberal is deprived of his seat for corruption ; and some disqualified. Notwithstanding the verdict of a whole people hurling the Liberal party from power for the most wide-spread and enormous corruption, the hon. gentleman and his friends persevere in the parrot cry of corruption against their opponents. He overlooks the revelations before the courts, and the decisions of the courts in the recent election trials—the results of the election in Quebec—all that goes for nothing. They seem to think it is sufficient to continue to assert that the Conservatives are the people who defile the land, that theirs is the record of rascality and fraudulent conduct. We can afford to let the people judge, and they have done so. I do not know whether my hon. friend has evidence of the fact that the persons distributing this money have used it as a means of exercising a corrupt influence. I can tell my hon. friend that if he knows of any case in which that was done—that any person charged with the distribution of this money, used it colourably, or really as an inducement to vote for the Conservative candidate at any of the elections, if he will furnish me with the facts I promise him that every person found guilty of such practices will be punished severely and summarily, as those who fell within my promise of last session.

Hon. Mr. POWER—I named the place where the circumstance took place, and my hon. friend's colleague knows the officer, I presume.

Hon. Mr. ABBOTT—Was it the occasion on which a man slapped his pocket, and said he had the cheques there, or was it in some other place ?

Hon. Mr. POWER—It was that place. It was at Jeddore, Halifax county.

Hon. Mr. ABBOTT—I thought Jeddore was in the East Indies, but I shall not forget the gentleman who my hon. friend says tried to persuade the people that he had the fishing bounty cheques in his pocket as the price of their votes. If any such transaction has taken place I promise my hon. friend that the actor in it shall be severely punished. The hon. gentleman says that because the payments were made about the time when there was an election to take place they were made then to influence that election. He goes on to insult, I think very grossly, the fishermen of the Maritime Provinces and the electors of the Maritime Provinces generally, by asserting that they were influenced by the representations and conduct of the persons paying the bounty to the effect that the Conservative party were giving the money, while the fishermen themselves knew they were entitled to it, or if not steeped in ignorance would know they were entitled to—for which they had actually sent in claims. And that the people were so stupid and ignorant that after all the preliminaries they had to go through they were made to believe that the bounty money was a free gift from the Conservative party.

Hon. Mr. POWER—I did not state that. I think a reference to the reporter's notes will show that I said nothing of the sort. I said a Conservative canvasser tried to leave that impression on the minds of the electors.

Hon. Mr. ABBOTT—I must accept the hon. gentleman's explanation, but my ears must have led me into an unusually grave mistake. My hon. friend certainly asserted, or broadly insinuated, that we made these payments in February and March as a bribe to the electors; or that we did so in such a manner as to lead these ignorant voters to believe we were paying it for election purposes. He went on to say that this was what was punished by the people of Quebec. I do not wish to drag Quebec into this discussion. My hon. friend has done it but I must protest against the insinuation that the circumstances connected with the payment of the fishing bounty are at all comparable to what was done in the Province of Quebec. I do not know personally what was done there. I only know from what I see in the papers, and I judge that there was some foundation for the charges that were made there, from the fact that the people have thrust from power those against whom those charges were made. I would like to know on what principle my hon. friend compares the cases he speaks of in connection with the fishery bounties with the transactions in Quebec ? Is it from the fact that in the month in which they were paid, or in the succeeding month, there happened to be an election that makes them equally criminal ? How does he compare with that transaction the payment of $21,000 to the agent of the Liberal

party for the purpose of carrying on the elections; and the payment of $28,000 to another gentleman of the Liberal party for similar purposes, both out of a sum deliberately abstracted from Government funds? Surely my hon friend does not pretend that the payment of the fishing bounties, at the usual period of the year, is to be considered an act of gross corruption such as the transactions in Quebec, merely because an election happened to be held about the same time?

Hon. Mr. POWER—I did not say that. There are degrees in guilt, as the hon. gentleman knows.

Hon. Mr. ABBOTT—This was really, said my hon. friend, what was condemned in the Province of Quebec.

Hon. Mr. POWER—Upon the same principle.

Hon. Mr. ABBOTT—I have no doubt, if the debate were prolonged, there would be plenty of the Maritime Provinces gentlemen who would be prepared to stand up for their constituents, and protest in the strongest manner against any such interpretation being put upon such a transaction as the payment of the fishing bounties—especially when we have no details of any corrput act beyond the statement of my hon. friend that a man at Jeddore slapped his pocekt and said "I have the fishery cheques in my pocket." It seems to me that it is not necessary to fix a particular day within which these fishery bounties shall be paid. The fact is the payment of the bounties depends upon the time at which the people send in their claims. In the recent autumn claims did not come in within the date fixed, and the time had to be extended. I hope the House and the country have sufficient confidence in the Government to be satisfied that there will be no further delay in the payment of these bounties than is necessary to make up the statement. I know no reason, and I do not accept the reason my hon. friend gives, for changing the law as to the future. These bounties are always paid as soon as the statements can be made up from the claims sent in. The statement has to be laid before Parliament within thirty days from the opening of the session. This plan has been successful in the past, and I have no doubt will be equally successful in the future; and as no possible grievance can be held to have existed in consequence of there not having been a date fixed for the payment of the bounties, I do not see any reason why we should step in now and impose such a restriction on the department, the only effect of which would be to deprive possibly some fishermen who are late in sending in their claims, of their bounty for that year. I think the amendment is entirely unnecessary, and I object to its being adopted.

Hon. Mr. SCOTT—It is quite clear that when Parliament decided to grant this sum of $160,000 for the encouragement of the sea fisheries, it must have occurred to everyone that the method in which this money would be distributed might be abused—that it might pass into channels which would be highly improper—because we have had some experience of similar grants—for instance, in the distribution of seed wheat where crops have failed, and there was a reason for placing that 3rd clause in the statute. It may not have been specific enough, but it was clearly intended that the mode by which the money was to be distributed should be explained to Parliament in the antecedent session. Now, it appears that the statement has been made by a member of this House, which has not been contradicted, that in the year 1890 the distribution took place in May, just before the local election; that in the following year it took place in the month of March, just before a general election, and in the present year, when there were bye-elections, it took place in February. From my hon. friend's standpoint, that was purely accidental; still, it was a singular coincidence that in three different years the time of payment was entirely different, and on each occasion it was made on the eve of an election. Every hon. gentleman will admit the influence of money, even when it is legally distributed. It was asserted that a considerable sum of money had been distributed in Kingston by a contractor before an election there, and it was asserted that a sum of money due to a contractor there was not to be paid out, but was to be held over until the charge in connection with that election was investigated; yet two or three days before the last election some $30,000 was paid over to the contractor in question, and an arrangement was made to pay over the whole of the balance before the charge was investigated. The fact of these payments being made at that time may have had no connection with the election; still, suspicious people would connect the two circumstances, and

suspect there was something wrong about it. I entirely acquit my hon. friend of distributing the fishery bounties to the poor fishermen in such a way as to influence their votes; but when money goes out of the hands of the Government here it passes into the hands of agents at remote points. These agents have their strong political leanings, either Grit or Tory, and I say you have no right to give to a man under those peculiar conditions, the opportunity to be tempted to do what is wrong. I say it matters not which political party is entrusted with the distribution of this money, it is a power which is apt to be abused. Our knowledge of human nature is sufficient to lead us to the conclusion that if public money is to be distributed it is easy to withhold it for few days or hasten its distribution a few days, when by so doing an object is to be accomplished. Now, cannot Parliament withhold that power, and say that on or before a certain day in every year this money shall be distributed ? My hon. friend says that the accounts are made up before the end of the year.

Hon. Mr. ABBOTT—The claims are sent in before the end of the year.

Hon. Mr. SCOTT—Supposing we said that the distribution shall be made on the first of March or the first of April, in order to give ample time—would it not be a fair and reasonable proposition ?

Hon. Mr. ABBOTT—Supposing we had fixed the 31st March, would that have prevented the payment on these three occasions to which my hon. friend referred, two in February and one in March ?

Hon. Mr. SCOTT—It certainly would have prevented the distribution from being held over until May. We would give the Government a latitude of three months. What I say is, let the time be specific and definite. There is no doubt when Parliament placed on record section three, that it had in view the possibility that this money might be paid out through channels that were not altogether pure—that the trust might be abused ; therefore Parliament said, " We want to keep control over this money, and you must tell us a year in advance the mode in which it is to be distributed." My hon. friend says that this plan is not practicable, and I accept his explanation ; but surely we can limit the time in which it is to be paid. Take any latitude you like, only remove the possibility of the trust being abused.

Hon. Mr. HOWLAN—I must protest as strongly as I can protest against the imputation that is made on the fishermen of the Maritime Provinces, that $160,000 of their hard-earned money has been used to influence their votes. The sum received by these fishermen for bounties averaged about $2 per man. Could any hon. gentleman suppose for one moment that a payment of $2 of this bounty to a fisherman will influence his vote ? It is his own money ; he has earned it himself ; he must fill up certain papers and comply with certain requirements to entitle him to the bounty, and after he has earned his money he knows he is going to be paid, and is not influenced by it as to how he votes. If the facts were known about the Jeddore incident no doubt it would be found that some of the hon. gentleman's friends stated to these fishermen that the Government would not pay this bonus—that they would not get the cheques—and that this man replied : " Don't believe these gentlemen, for I have my cheques in my pocket." Or, perhaps, another fact may have come out in relation to the transaction at Jeddore. It may have been that some of the hon. gentleman's friends themselves had money in their pocket, and said they were ready to pay the bonus. I have had some experience myself in election matters.

Hon. Mr. POWER—Yes ; the hon. gentleman ran an election.

Hon. Mr. HOWLAN—Yes ; I ran an election and was beaten, and I was beaten by the votes of a great many of those gentlemen who get the fishery cheques too. Had all the men who got fishery cheques in my county voted for me I would have been elected. I would call attention to the absurdity of the statement that we should pay this money before the 31st March. Take one of those fishermen, John Brown, for instance : he goes to the fishery office, makes his claim, fills up a certain form that is given to him, to enable him to do so, and next day he ships to the West Indies or to England, or on a long voyage somewhere else, as many of our fishermen do, and returns home perhaps along in March or April to prepare for the next season's fishing. Under the proposal of my hon. friend opposite, this man would be robbed of his share of the bounty, simply because he was not home in time to be

paid before March. The proposal is absurd. The fishermen of the Maritime Provinces are hardy, robust men, with a great deal of native shrewdness ; they are men that it is difficult to deceive ; they know their rights, and how to maintain them, and if my hon. friend had to run an election amongst fishermen he would find that they are the last men to undertake to deceive by foolish representations.

Hon. Mr. MILLER—You cannot buy them with their own money, at any rate.

Hon. Mr. HOWLAN—They hold very strong views. They would tell you : "This is not your money ; you have passed a law to provide that if I fish such a length of time in a boat of such a size, with a crew of so many men, and catch so many quintals of fish, you will give me a bounty of so much money. I have complied with the conditions, have earned the money, and it is mine." If it is wrong to distribute bounty money, it is wrong to grant it. The public man who would suggest that $160,000 would influence the vote of the fishermen of the Maritime Provinces would not be listened to on any platform in that section of the Dominion, or by any man having any knowledge of the people. I have in my hand now a letter from a fisherman in Prince Edward Island, asking me to ascertain why the cheques for the past season have not been sent. On making enquiry I find that the reason why that man had not got his cheque is because he had been away from the island had not come back.

Hon. Mr. ALMON — As the Conservative majority at Jeddore was very much less in the election which the senior member for Halifax alluded to than on any other occasion, the alleged bribery by the Conservative party in the distribution of the fishery bounties was not a successful one. But the hon. gentleman may correct me if I am wrong in this, I understood that Mr. Fielding, the Premier of Nova Scotia, was present at that meeting, and as a large quantity of money has been expended by the Local Government on road service throughout the country during the past year I have heard that referred to as a reason for the decreased Conservative majority. Perhaps I have been misinformed on this point, as the hon. senior member for Halifax may also be wrong in his information in regard to this party that is said to have had the fishing bounty cheques in his pocket as the price of his vote.

Hon. Mr. POIRIER—While admitting that circumstances might arise which would render the amendment of the hon. gentleman from Halifax justifiable, I do not believe that such circumstances do now exist. On the contrary, I think everything tends to show that the condition of affairs is being improved in the department. In former years the distribution was made later in the season, and if I am well acquainted with this question, it is for this reason : the returns from the officers were made later in the year, and in the department the distribution of cheques, &c., was left to the officials to be performed in the usual course of their duties. Now that the fishermen having asked that the bounty be distributed earlier in the year to enable them to buy the outfits for their fishing, &c., I believe it has become the practice in the department not to employ extra hands but to have the employees on the regular staff work extra hours—from four to six and from seven to ten or eleven o'clock during one or two months of the year, in order to be ready earlier for the distribution of these claims, and that, I believe, explains why four or five years ago the distribution, which was made only in April or May, is now, through the exertions of our most energetic minister, Mr. Tupper, made in the month of February or early in March. All that goes to show that the circumstances which might possibly render such an amendment justifiable at one time certainly do not exist now. It will be time enough, in case there should be a return to the old system of making the distribution late, to propose such an amendment. Now, as to the fishermen, we must not underrate their intelligence and their knowledge of public affairs. They do not view those bounties as favours ; they look upon them as their right. With them it is a matter of a positive character. When they have justified their claims they feel entitled to the money, and they vote for or against the Government candidates without being influenced by the cheque they have received for the bounty to which they have a positive right, a fact which hey well know. I am speaking from personal knowledge, and I believe I will be generally backed by the members from the Maritime Provinces. I am sorry to learn that there is a less enlightened class of fishermen in the County of Halifax than in the other constituencies of the Maritime Provinces, but I believe it will be found that it is only an

exceptional one among them who views these cheques in the light mentioned by the hon. member from Halifax. There is no occasion to adopt this amendment now, and therefore I for one will not vote for it.

Hon. Mr. BOULTON—I should like to express my sympathy with the object that the hon. member from Halifax has in view in bringing this subject before the House, although it is probably not a strong case upon which he can enunciate the principle he is advocating. There is no doubt that the Opposition, in impressing their views on the country, are at a great disadvantage as compared with the Government of the day. I think it is desirable that we should equalize things as far as possible, and the amendment of my hon. friend from Halifax is a move in that direction. He simply proposes that there should be a fixed time for the payment of the bounties to the fishermen that there may be no appearance of influencing voters through the pocket ; that it shall not be left to the discretion of the Government or of the department to say when the money shall be paid. It is human nature to feel a certain sympathy with the hand that dispenses bounty, and on the eve of an election has more or less effect upon some. It is certainly an advance in the right direction, and the hon. member from Halifax, as a member of the Opposition, proposes to place the Opposition, should they reach the treasury benches, in the same position, to put himself on record that he may be judged by the same standard. I have a good deal of sympathy with him.

The amendment was declared lost.

Hon. Mr. VIDAL, from the committee, reported the Bill without amendment.

Hon. Mr. ABBOTT moved that the Bill be now read a third time.

Hon. Mr. POWER—Will the hon. gentleman allow the third reading to stand until to-morrow ?

Hon. Mr. ABBOTT moved that the Bill be now read the third time.

Several hon. GENTLEMEN—Now ! now !

Hon. Mr. POWER—There seems to be some misapprehension about this matter ; our rule is the same as the rule of the House of Lords ; and you cannot read a Bill the third time on the same day that it comes from the committee, except by the unanimous consent of the House.

Hon. Mr. BOTSFORD—That is not right.

Hon. Mr. POWER—That is the rule of the House of Lords—it is only by unanimous consent that it can be read the third time.

Hon. Mr. MILLER—Our rule is that a Bill cannot take its three separate readings on the same day, but it has been the custom in this House to allow the third reading to take place on the same day that the Bill is passed through the committee, or to allow the committee stage to be taken on the same day as the second reading. I do not think there is any doubt with regard to the practice of the Senate since I have been a member of it.

Hon. Mr. ABBOTT—I remember the first year that I had a seat in the Senate, this question was raised ; and it was then stated that the third reading could take place when the Bill was reported from the committee without amendment. Since then I have not heard any objection to the third reading taking place on the same day that a Bill is reported from Committee of the Whole without amendment until now.

Hon. Mr. MILLER — The hon. gentleman from Halifax may be right about the rule of the House of Lords, but we have a rule of our own which precedes the rule of the House of Lords with reference to the third reading of a Bill when it is reported without amendment from a Committee of the Whole.

Hon. Mr. POWER—I am not in the habit of making a statement of that kind without authority——

Hon. Mr. MILLER—I do not say that the hon. gentleman is wrong in his statement about the rule of the House of Lords.

Hon. Mr. POWER—I simply desire to have an opportunity to move an amendment at the third reading, and it is a matter of convenience to let the Bill stand over until to-morrow.

Hon. Mr. MASSON—Does not the hon. gentleman refer to a case where there has been an amendment made to the Bill in Committee of the Whole ?

Hon. Mr. POWER — The hon. gentleman knows that an amendment moved in Commit-

tee of the Whole and defeated there does not show in the journals.

The motion was agreed to and the third reading of the Bill was postponed until to-morrow.

THE DISPUTE BETWEEN CANADA AND NEWFOUNDLAND.

MOTION.

The Order of the Day being called—

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before this House, any Orders in Council or letters of instruction, directing the Customs authorities to put in force against the people of Newfoundland the tariff of 1885, which imposed duties upon their fish, and any other papers or documents relative to the matters now in dispute between the Governments of Canada and Newfoundland.

Hon. Mr. ABBOTT said : I do not feel disposed to follow my hon. friend in discussing the merits of the question between this country and Newfoundland, and I think if I were disposed to do so at all it would be after the papers are brought down, which my hon. friend has asked for, and after the means of verifying all that might be said had been placed on the Table of the House. If it be the object of this country, or of any set of people in this country, to restore the friendly relations with Newfoundland, I do not think that object will be served by discussing the pros and cons of what has passed in this House or in public at all. If there is to be a discussion it would, I think, be most advantageously carried on with the Government itself, and made public after its results have been ascertained, or if it had been found not to produce any result. I think it is rather to be regretted that the subject has been brought up and discussed at such length, and I myself regret that before full information has been obtained, any hon. gentleman holding the distinguished position of a member of the Senate, should have said that, in his opinion, Newfoundland was justified in the treatment that she has extended to our people in the Maritime Provinces. I doubt very much if the hon. gentleman would have made that statement if he had been fully informed, as he will be I hope when the papers are brought down, of the actual condition of things between the two countries. My object in moving the adjournment of the debate yesterday was really in order to set my hon. friend right in some statements of facts which he made to this House, in pursuance of his declaration that he intended to give a history of the whole difficulty from the beginning. My hon. friend did give a history, but I do not think it was in all respects accurate, and I moved the adjournment of the debate in order that I might have a few minutes to-day to endeavour to set right those points on which I think my hon. friend is in error. In order to do that I may be detained a little by the necessity of going over the points, the dates, the transactions which took place from the commencement of the difficulty, and in doing so I have no doubt I shall hit upon many statements which my hon. friend has made himself, in which he is perfectly correct, but I think, unfortunately, that will be necessary, in order to arrive at the points on which my hon. friend was to some extent in error. He said with reference to the Bait Act, which I shall first discuss, that there had been two statutes passed by the Legislature of Newfoundland, disallowed by the British Government, and I observe that it has been stated by Mr. Bond in a recent speech of his that the first of these, which was passed in 1886, was so disallowed at the instance of Canada. My hon. friend did not state on what ground the Act had been disallowed, and the inference which might be drawn from the tone of his remarks altogether, was that Canada had something to do with that disallowance. Now, that is not the fact. The Bait Act of 1886 was disallowed simply because it was passed at an early period of the year—in the spring, when fishing was about to commence, and when many French vessels coming out to fish would have left port. The British Government, without any intimation or hint from Canada that I have been able to discover, informed the Newfoundland Government that they thought it would not be fair to their French allies to disturb, at that moment, the state of things that had existed up to that time, and for so long a time ; and they therefore disallowed the Bill, without any intimation or interference from Canada whatever. Moreover, it was done in such a way as to give the Newfoundland Government to understand that there would be no similar interference with a similar Act of their Legislature on a subsequent occasion, if such should be passed. Immediately on receipt of the intimation from the English Government, which took place in March 1887, the

Newfoundland Legislature passed a second Bill, which was reserved for the consideration of Her Majesty's Government. Thereupon the Canadian Government pointed out that it would be injurious to them, inasmuch as like the subsequent Act of 1889, it excluded Canadians from the purchase of bait, just as it did other people. And it was thought that that provision of the Bill, if made applicable to Canada, would be injurious to Canada, and unjust and improper as between one British colony and another. In consequence of the representations made by Canada on that occasion the gentlemen who were sent over from Newfoundland to prevail on the British Government to abstain from disallowing the Bill, were prompt in disclaiming altogether any interference with Canada. The remonstrance which was sent, was referred by the British Government to Mr. Robert Thorburn and Sir Ambrose Shea, who had been delegated by the Government of Newfoundland to make representations to Her Majesty's Government. These gentlemen conveyed the most positive assurance that Canadian fishermen would enjoy equal privileges with those of Newfoundland and that there would be no restriction on any British subjects. These assurances were so strong that Her Majesty's Government were of opinion that they furnished a sufficient safeguard against any interference with Canadian interests, and in consequence they made up their minds to advise Her Majesty to assent to the Bill. In addition to the assurance given by these gentlemen in England the Minister of Marine and Fisheries here received a telegram, to which my hon. friend alluded yesterday, in these terms :—

"We learn with surprise and regret that your Government apprehend our Bait Act will interfere with Canadian fishermen. I am authorized to give you fullest assurance no interference or hindrance whatever of Canadian fishermen contemplated. Act necessarily framed so as to confer upon Governor discretionary powers in granting licenses to sell or export bait, our only object being to prevent supply of foreign subsidized rivals. Fullest rights and privileges to all British fishermen to take or purchase for their own use, as hitherto enjoyed, will be maintained. Please communicate this information to your representative or agents in London, to remove objection to our Act and promote Royal assent."

That despatch was signed by the Attorney General. Now, that Act was not, as my hon. friend said, disallowed. The Government of Great Britain allowed the Act to go into force, on the express ground stated by them to this Government, and through the Newfoundland emissaries in London to the Imperial Government, that the Act should not apply to Canadian fishermen—that all British fishermen should have the same rights for fishing purposes in the waters of Newfoundland as the fishermen of Newfoundland possessed ; and it was only on that assurance from representatives of Newfoundland that the Bill was not disallowed. Shortly afterwards, in 1889, this Bill was reproduced without any, or with very trifling amendment, but it was declared that it should only be put in force by proclamation. I may say that up to that time, so far as I can learn, there was no interference with Canadian fishermen. The privileges promised to be continued to them by Newfoundland representatives in England continued to be granted, and they were not interfered with until the proclamation of April or May, 1890, by which the third Bait Act was brought into force. I did not catch exactly the thread of my hon. friend's argument as to why they were justified in putting this Act in force, because that is what I understood my hon. friend said. He said that in his opinion Newfoundland was quite justified in putting that Act in force by proclamation. I do not find in the statement which he did make and which I noted at the time——

Hon. Mr. BOULTON—I did not say that the Government were justified, but that they were compelled to put that Act in force.

Hon. Mr. ABBOTT—I made a note of it at the time and underlined the words while the hon. gentleman was speaking. Here is the note : "I think Newfoundland was justified in passing the Act of 1889."

Hon. Mr. BOULTON—That is the Bait Act.

Hon. Mr. ABBOTT—I am speaking of the Bait Act. One of the reasons which my hon. friend gave as a justification for the passing of that Act was, that our people had defeated the object of the Newfoundlanders, which was to prevent the French in Newfoundland from getting bait—that they made it a business, in common, it was said, at that time, with the United States fishermen to trade in the bait, and to take it, as they alone could get it, and sell it to the French fishermen. That has recently been stated as one of the reasons for issuing the

proclamation putting that Bait Act in force, but I must say this, that I have made the most minute enquiry but have failed to find any indication of the infringement of the Bait Act by any Canadian vessel during the whole of this time. At the time the Act of 1889 was passed no such charge was made. It is only recently that we have been told that Canadian vessels furnished French fishermen with bait. I say with regard to that, as a mere matter of fact, that we have no information whatever of any Canadian vessel, or of any Canadian fisherman, having trafficked in bait, taking it from Newfoundland to sell it to the Frenchmen. We have had no charge made to us as respects any vessel of any kind or description, selling bait in that way. We have had no complaint made in general terms to us of our fishermen having acted in that manner. We have had no intimation of any kind whatever—I am speaking of the time that this Act was brought in force—that any of our fishermen had been guilty of this traffic in bait, which no doubt would have been most objectionable to the Newfoundlanders, and which they were endeavouring to prevent. So much for that statement. I certainly think we have a right to suppose that if at that time our fishermen were infringing the rights of Newfoundland by trafficking in bait, we should and would have received some intimation of it, and that, before proclaiming the Act of 1889, and putting it in force, in violation of the pledges of Mr. Thorburn and Sir Ambrose Shea, in England, and of the Attorney General of Newfoundland in Newfoundland itself, we had a right to be informed that such a measure was contemplated and of the reason for it, in order that if we thought proper to use our power amongst our own people, of stopping the practice objected to, we would have an opportunity of doing so. But I state, as a matter of fact, that we never received any intimation, complaint or charge, of any kind whatsoever, that Canadian vessels were trafficking in bait for the French. My hon. friend stated as another reason for the proclamation, that the people of Newfoundland had been driven to desperation by the want of success in their efforts to stop the sale of bait to the French—that Canada would not co-operate with them in any way, and was itself violating the Bait Act—that the Newfoundland Government used every possible effort to induce Canada to co-operate with them in this respect, and even sent a deputation to visit the Government here and the Boards of Trade throughout Canada, to implore this country to help them to stop this traffic in bait. In all that my hon. friend was in error. It is true a delegation visited Canada in March, 1890. That delegation has published a statement of its proceedings. We have in a book called "The Newfoundland Case," all the particulars of the circumstances under which that delegation was appointed. It was not a delegation by the Government of Newfoundland at all. It was a committee appointed at a public meeting by the people, and, I believe, was mainly in opposition to the Government of the day. Now, I hold in my hand this case, which is called "The Case for the Colony," as stated by the people's delegates, which states the mode in which certain gentlemen were appointed, and the functions which they were to perform. Messrs. Winter, Scott and Morine were appointed a delegation to visit England, and this was the case that they laid before the English Minister. At the same time that these three gentlemen were appointed, and by the same public meeting, another committee was appointed, and these were the two resolutions appointing them-:—

"Resolved, That a delegation consisting of Sir J. S. Winter, Q. C., K. C. M. G., P. J. Scott, Esq., Q. C., and A. B. Morine, Esq., M.L.A., be appointed to proceed to England to lay the case of the people of the Colony before Her Majesty's Government, and to enlist the support of the British public."

"Resolved, That a delegation consisting of D. J. Greene, Esq., Q.C., M.L.A., P. R. Bowers, Esq., and Donald Morrison, Esq., M.L.A., be appointed to proceed to Canada to enlist the support of the Canadian people."

These two resolutions were passed, and these two delegations went. The delegation, composed of Messrs. Winter, Scott and Morine, went to England; Messrs. Greene, Bowers and Morrison came here, and they did call upon the Government; they did address the Boards of Trade; they made their requests to Canada very conspicuous and very plain, and everybody knew all about them. Strange to say, in all that passed there was not a single word about bait from either of these delegations. Their appointment was not prompted by any question of bait; it was solely the establishment of a *modus vivendi* with the French respecting reciprocity in fishing of which they complained; there never

was a word said about bait in any of the speeches that were made; there never was a request made to Canada, or to its people, to resist the sale of bait to the French—in fact, without enlarging upon it, there was no step taken, and no word said in the course of the proceedings of these two delegations, of any kind whatever, upon the bait question. So far from Canada not sympathizing with these delegations, and not co-operating with them, Sir John Macdonald, at the request of those who came here, addressed a telegram to Sir Charles Tupper, introducing the delegation that went to England, and requesting him to assist them in any way he could. The delegation which came here was not a delegation which the Government could formally receive. They received them informally, I understand, and sent them away perfectly satisfied; so that this last climax or culminating point in the ill will of Canada in refusing to co-operate in enforcing the Bait Act, and in refusing the appeal of the Newfoundland delegates to assist them in doing so, which it is said led to the proclamation of the Bait Act, has no existence at all, except in the imagination of those who assert it. There was nothing in the assertion that Canada was applied to by this delegation to take any step whatever about it; their sympathies were invited in the struggle against what the Newfoundlanders thought was an encroachment by the French on their rights and privileges in Newfoundland. From the proclamation Canadian fishermen were refused access to Newfoundland for bait purposes, except upon extravagant conditions which it was impossible that our fishermen could perform—that is that they should pay $1 a ton for a license to go in and buy bait, besides paying the price of the bait itself; that this license should last only three weeks, and that every time they returned from the banks they should take out a new license. These conditions were so onerous that it was quite impossible that our fishermen could accept them. The consequence was that Canadian fishermen ceased altogether to get bait from Newfoundland, and it was a very great and serious deprivation to them, to be refused access to the waters of a sister colony much nearer to the banks than themselves. It was previously a great convenience to them to be able to complete their supply of bait at Newfoundland instead of returning to their own country for it; moreover in the opinion of many, their exclusion was a violation of the comity which should prevail between sister colonies, and in fact the Act excluding them was unconstitutional, and one which the Legislature of Newfoundland had no power to pass. Be that as it may, however, these are questions which have to be settled hereafter. The position which we occupied relatively to Newfoundland at the time that this Bait Act was put in force, was just this: the Newfoundlanders had access to our waters within the 3-mile limit, for all purposes, exactly the same as our own people; their fish was received in our country free of duty. At the time that the agitation on this subject reached its climax, which was in December, 1891, Nova Scotia fishermen found themselves in this position: they could not buy bait from the Newfoundlanders without paying this large duty. They could not go into Newfoundland waters and fish for herrings and other small fish. Bait at that particular time was not greatly needed, but the trade in herrings had been an extensive one. These were largely caught in the waters of Newfoundland. Herrings being small fish suitable for bait, our fishermen were not allowed to fish for herring in Newfoundland waters, yet every day Newfoundland ships made their appearance in Nova Scotia ports, with cargoes of herring which came in free, but which Nova Scotia fishermen were not allowed to catch in competition with them. And their vessels were lying at anchor, or laid up for the winter, while their owners were unable to prosecute their ordinary business. Hon. gentlemen will readily perceive that such a state of things, with a law on the Statute-book imposing a duty on all fish imported into the country, could not be borne by the people of the Maritime Provinces. Up here it did not affect us specially; but representations came to us from every part of the lower provinces detailing the great injury that this unfair competition was inflicting upon them; and in consequence of these representations, and in consequence of the gross injury that was being done to our fishermen and to our trade, by the admission of these fish to our markets free, while our fishermen were prohibited from competing in catching them, the Act imposing duties on fish was put in force. Before doing so we informed Newfoundland in a most courteous communication that unless some modification were made in their regulations we should be

compelled by the state of things in the Maritime Provinces to take some measure to prevent the free admission of their fish, which we were most reluctant to do, and begged of them to remedy the evil in some way or other without rendering such a step necessary. The reply to that communication was simply a quotation of the Act, which was then in force upon the Statute-book of Newfoundland, providing that whenever our country imposed any duty upon their fish our products should be subject to the heavy duty which is now imposed upon them. Of course hon. gentlemen will see that no possible resource was left to this Government except to authorize the customs officers to collect the duty which had been long before imposed, but which had been left uncollected on Newfoundland fish from a friendly feeling towards that country. The consequence was the putting in force of the exceptional tariff of Newfoundland with regard to Canadian products, and that tariff is in force to-day. Canadian fishermen at that time going to Newfoundland were refused permission to buy bait or fish for herring or small fish within the 3-mile limit. They were charged duties on salt and other necessities for fishermen when they merely went into harbour for temporary purposes, although no such duties had ever been exacted from them in this country. They were forced to pay light dues for lighthouses that we ourselves put up and maintained. In fact, we were treated as a hostile nation would be treated, without the slightest consideration for our position as a sister colony, having equal rights as we think we have, in British waters on this continent, which are protected for us, as we think, by the treaty of 1818. That is the position of affairs with regard to the Bait Act at this moment. The people of Newfoundland have all the privileges they ever had in our waters and in our harbours; no interference, no retaliation of any kind has been incurred by them in consequence of the unfortunate difference which has been created between us. They remain exactly in the same position they always held with regard to accommodation in our harbours and fishing in our waters, and the only difference of any kind that has been created is the collection of duties long ago imposed upon their fish. Of course it is perfectly well understood that if the exceptional treatment of our fishermen is put a stop to, that will cease. If our fishermen can go and catch herring, which Newfoundland fishermen bring to our ports in autumn and winter, and compete with them in the catching and selling of that fish; and if they are allowed to go in there, as Newfoundlanders are allowed to come into Canada, and buy their bait, as at this moment United States fishermen have the right to do, there would be an end to the only difficulty as far as Canada is concerned—that is, the imposition of the duties on fish, in deference to the feeling that we are encouraging a competition from another country, which was ruinous, or very injurious, to say the least of it, to our own fishermen. The other cause of dispute is the convention. These are the only two difficulties that exist—the difficulties which have arisen out of the Bait Act, and the difficulties which have arisen out of the convention. As far as the Bait Act is concerned, hon. gentlemen will see that we have behaved with the greatest forbearance from beginning to end, and have shown a disposition to sympathize with Newfoundland as far as we possibly could; and we did not impose or collect the duties which we now collect on fish, until we were unable to resist the conviction that it was necessary in the interest of the Maritime Provinces to enforce the duty against Newfoundland for the reasons I have stated to you. Now, with reference to the convention. It is said that the right of purchasing bait was refused on account of our opposition to the convention. It is not necessary to say much about that, because, in point of fact, no whisper about the convention was uttered until long after the proclamation of the Bait Act. It is remembered that in 1868 the United States tried to get up a separate treaty with Prince Edward Island which failed. In 1886 they made a similar overture to Newfoundland, which failed, but those are now outside of the question. They did not become the subject of any general discussion. They were matters for the Imperial Government and they were dealt with accordingly. But in March or April, 1890, the Newfoundland authorities communicated with England through Governor O'Brien, suggesting that some one might be sent over from Newfoundland to see how far negotiations could be carried for the introduction into the United States, of Newfoundland fish free; and he was answered that there would be no objection to a gentleman going from Newfoundland to Washington, seeing Sir Julian Pauncefote and giving him any information that he might re-

quire in the discussion that was then going on. That was the sole authority which Mr. Bond had in going to Washington in reference to this treaty, which he himself afterwards extended into the making of a treaty. I do not know that hon. gentlemen desire that I should refer them to proof of what I say, but it can be found more particularly in a return laid before the English Parliament in March, 1891, in which the *verbatim* correspondence on the subject of this convention is printed. This is the gist of the correspondence. Sir William Whiteway, who was then in London, wrote to the Colonial Office as follows :—

"London, 9th Sept., 1890.

"Sir,—Having understood that Her Majesty's Government has consented to negotiate with the United States Government with a view to an arrangement under which fish and other products of Newfoundland may be admitted into the United States free of duty, in return for concessions to be made by Newfoundland, as regards the purchasing of bait by United States fishermen, I beg to say that the Hon. Mr. Robt. Bond, Colonial Secretary of Newfoundland, is about to proceed to New York, leaving London to-morrow (Wednesday) the 10th inst., and I have the honour to ask the favour of his being furnished with such authority as may be deemed necessary for his communicating to Her Majesty's Minister at Washington the views of the Newfoundland Government, in order to the attainment of the object desired."

The answer to that was as follows :—

"Foreign Office, 10th Sept., 1890.

"Sir,—I am directed by the Marquis of Salisbury to acknowledge the receipt of your letter of yesterday, forwarding a letter from Sir W. Whiteway, in which he states that the Hon. Robert Bond, Colonial Secretary of Newfoundland is authorized by him to explain to Her Majesty's Minister at Washington, the views of the Newfoundland Government in regard to an arrangement for the admission of fish and other products of Newfoundland into the United States free of duty in exchange for facilities for the purchase of bait by United States fishermen.

"Sir W. Whiteway requests that Sir J. Pauncefote may be informed that Mr. Bond has authority to speak to him on the subject.

"I am to enclose a despatch to Sir J. Pauncefote introducing Mr. Bond, which Lord Salisbury has had pleasure in giving, in compliance with Sir W. Whiteway's wishes.

"I am, &c.,

"T. H. SAUNDERSON."

The enclosure which was referred to above is as follows :—

"The Marquis of Salisbury to Sir J. Pauncefote :

"Sir,—This despatch will be delivered to you by the Hon. Robert Bond, Colonial Secretary of Newfoundland, who is about to proceed to New York and has been commissioned by Sir W. Whiteway, the Prime Minister of the colony, to communicate to you the views and wishes of the Newfoundland Government with regard to an arrangement for the admission of fish and other products of Newfoundland to the United States free of duty, in return for concessions as to the purchase of bait by United States fishermen.

"Sir W. Whiteway has requested that you may be informed that Mr. Bond has authority to speak to you on the subject in the name of the Newfoundland Government, and I have accordingly furnished him with this introduction to you."

Hon. Mr. POWER—Before the hon. gentleman puts that correspondence aside, would it be too much trouble to read what the United States offered Newfoundland in exchange for free fish ?

Hon. Mr. ABBOTT—The convention itself contains all that, and I shall come to it presently. The purport of the communication from the British Government, as hon. gentlemen will perceive, is simply that Mr. Bond might communicate to Sir Julian Pauncefote the views of Newfoundland as to the admission of fish free into the United States. There is nothing in the correspondence up to that time, or in any of the correspondence, to indicate that the Government contemplated, or that the Newfoundland Government contemplated, or that Mr. Bond contemplated, making any arrangement with the United States, beyond that of having certain fishery exports made free, and of giving them the right of getting bait and supplies with incidental harbour privileges. There is nothing that shows that anybody contemplated giving the United States preferential rights in these matters over other colonies. As it happened, Sir Julian Pauncefote and Mr. Blaine had discussions on the subject, which resulted in the preparation of a draft convention, approved of by Mr. Bond, comprising four paragraphs, none of which contained any agreement discriminating against Canadian exports. Mr. Bond subsequently had informal interviews with Mr. Blaine, and between Mr. Bond and Mr. Blaine they prepared a further convention. The substance of the first convention, which was submitted by Sir Julian Pauncefote to Mr. Blaine, is contained in the telegram from Lord Knutsford to Lord Stanley, on November 5th, as follows :—

"Washington, 5th November, 1890.

"In reply to your Lordship's telegram of yesterday, I beg to state that Sir W. White-

way's memorandum of the 12th July corresponds exactly with the convention I have communicated to Mr. Blaine, except that, in accordance with Mr. Bond's request, crude minerals have been added.

"The 1st Article provides that the privileges of purchasing bait fishes in Newfoundland, in the same manner as vessels of the colony, shall be accorded to United States fishing vessels; also that United States fishing vessels shall be allowed to touch and trade, sell their fish and oil and procure supplies on condition that they pay the same dues as Newfoundland vessels, and conform to the harbour regulations.

"In Article II. provision is made that facilities shall be given for recovery of penalties in United States courts under bonds against United States citizens.

"Under Article III. the United States are to admit, duty free, the produce of the fisheries of Newfoundland, including cod and seal oil, and also the produce of the mines.

"By Article IV. it is agreed that the convention shall hold good for ten years, and that, after that period, it shall, subject to one year's notice, continue from year to year.

"I hope to discuss the above proposal with Mr. Blaine in the course of a few days, and until I have done so I would ask to be allowed to defer my reply to your Lordship's inquiry as to the best mode of including Canada in the arrangement."

That was the purport of the draft convention submitted by Sir Julian Pauncefote to Mr. Blaine. In that it will be perceived there is no promise of, or facility for, discrimination against Canada. However, Mr. Blaine and Mr. Bond afterwards made an agreement to which Sir Julian Pauncefote was not a party, and of which he knew nothing until the 16th November. This convention was in substance what it is now, except that crude minerals are omitted from it; and it came to Sir Julian Pauncefote in the form in which Mr. Blaine had put it, after Mr. Bond left, by being handed to our ambassador by Mr. Blaine on the 6th January, 1891. My hon. friend from Halifax asked what the terms were as to admitting fish free into the United States. Article II. provides that—

"Dry cod fish, cod oil, seal oil, sealskins, herrings, salmon, trout and salmon trout, lobsters, cod roes, tongues and sounds, the product of the fisheries of Newfoundland, shall be admitted into the United States free of duty. Also all hogsheads, barrels, kegs, boxes or tin cans, in which the articles above named may be carried, shall be admitted free of duty. It is understood, however, that "green" codfish are not included in the provisions of this article."

I take it that Article II. means codfish caught within the 3-mile limit—which would not sink a great many schooners if they were loaded with the whole of them. We learned by experience when we stipulated for free fish that it was necessary to stipulate for free packages also. Mr. Bond profited by that experience. But the third clause required some precautions to establish that the fish were taken in the waters of Newfoundland, which were very significant, but seem to have escaped notice. They are as follows:—

"The officer of the customs at any Newfoundland port where a vessel laden with the articles named in Article II clears, shall give to the master of said vessel a sworn certificate that the fish shipped were taken in the waters of Newfoundland; which certificate shall be countersigned by the consul or consular agent of the United States and delivered to the proper officer of customs at the port of destination in the United States."

If this treaty were for us we might feel that we should criticise this clause a little, but as it is not—as it is for the benefit of the Newfoundlanders—no doubt they have discovered the weakness of it themselves already. The next two clauses are extremely significant and very important as far as we are concerned. By the fourth clause the duties to be levied upon United States produce are fixed, amongst others those upon flour and one or two other items at less rates than were then fixed by the Newfoundland tariff, and a number of articles were declared to be free. At that time the duty on Canadian flour was 30 cents a barrel while that of the United States flour was 25 cents a barrel, and the duty on Canadian bacon and hams $2.50 per 100 lbs. instead of $2.50 per 112 lbs. fixed upon those of the United States. We have heard since this discussion began, a good many assertions that there is no discrimination between Canada and the United States in these particulars. That is true now, but it was not true when this convention was passed. When the convention was passed there was a difference in the duty which was to be paid by American flour and Canadian flour, and that difference was against Canada.

Hon. Mr. BOULTON—Where does that appear—that discrimination?

Hon. Mr. ABBOTT—It appears first in the convention and secondly in the tariff of Newfoundland. But there is no such difference now. When the question came to be raised about discrimination, the Newfoundland Legislature passed a new tariff in which they pro-

vided that if the convention between the United States and Newfoundland should come into force, the duty on flour shall be 25 cents a barrel. The next article says :—

"It is understood that if any reduction is made by the colony of Newfoundland, at any time during the term of this convention, in the rates of duty upon the articles named in Article IV of this convention, the said reduction shall apply to the United States."

Hon. gentlemen will observe that the duties payable by the United States can never be more during the existence of this convention than the duties fixed by this clause, which covers some twenty articles ; and that if this duty should be at any time greater than the duty which is chargeable on ordinary importations from other countries, then the duty which is paid by the United States shall be reduced to the same figure as that paid on the same produce from other countries. But if the necessities of the colony should render it necessary to increase the duty on these articles when imported from other countries generally, that increase will not apply to the United States—that increase will apply to Canada. At any moment, at the coming session, or at any session of the Newfoundland Legislature, the duties on these goods as applicable to the produce of other countries may be doubled or trebled, and the duty on United States goods will remain where it is. So that there ih a potentiality of any amount of discrimination against Canada carefully provided for in this article, when nothing would have been easier than to have said that Canada should have the benefit of any reduction, and that Canada should not be charged anything more than the United States are charged, if that had been the intention. Neither in the legislation which has been passed, nor in any public declarations of the Government of Newfoundland, up to this moment, has there been any assurance of any kind whatever, still less a legislative assurance that at any moment the duties on the produce of Canada will not be increased beyond the rates which are fixed by the existing tariff of Newfoundland ; and in that case there would be a discrimination precisely *pro tanto* against Canadian produce, in favour of that of the United States. I do not think I need say much more about this convention, as my hon. friend agrees with me that Canada was justified in objecting to its sanction.

Hon. Mr. POWER—Supposing that this convention had gone into operation, and that under it the duty on American flour had been fixed at 25c., which is the highest limit—suppose that the duty on Canadian flour had been raised to say 75c., and that at a later period a reduction took place in the duty on Canadian flour of, say, 20c., would or would not Newfoundland, under that convention, be obliged to take that 20c. off the 25c. on American flour too ?

Hon. Mr. ABBOTT—At this moment the duty imposed on our flour is 75c., while that on American flour is only 25c. If they were to reduce the duty on foreign flour to 20c., the duty on American flour would then be reduced to the same amount.

Hon. Mr. DICKEY—In other words, the convention provided that in case of a reduction, the United States should get the benefit of it.

Hon. Mr. ABBOTT—I do not know that I need say more ; the matter is familiar to the country, and the impression, so far as I have been able to learn it, is that Canada did right in opposing an objection to the ratification of this convention with the United States, on two grounds—the first being that at the time it was passed there was a reason for saying there was a direct discrimination against us, because the duty chargeable on our goods was higher than under this convention on American goods. That objection has been removed by the tariff of last year, which puts the same duty on other flour that it places by the convention on United States flour. But the power of discriminating against Canada at any moment, the impossibility of Newfoundland exacting from the United States any increase of duty on these imported articles, although their necessities may compel them to increase the duty on those articles, coming from any other country—those facts on the one hand, and the converse on the other, that is, the admission of Newfoundland fish to the United States markets free in preference to Canadian fish, which pays a heavy duty—together with the relations which such a state of things would naturally bring about, and many other reasons which, perhaps, it is better to say nothing about at the present moment, seem to me, and I think to the majority of the people of the Dominion, to justify the Government in having

suggested to the Imperial authorities the difficulties which would occur if this convention were adopted. As far as that goes, I presume, as my hon. friend agrees with me, I need say no more. I may simply add this to what I have already stated, because it is something which does not appear in any return or Blue book, that a quasi confidential communication was received suggesting that a conference should be held in London between representatives from Newfoundland and Canada, and a representative of the British Government with a view of bringing about some solution of these difficulties between Canada and Newfoundland; that Canada immediately answered, saying that she was extremely desirous, as in fact the Government is, to see these difficulties put an end to, that we would have pleasure in appointing a delegate to confer with the Newfoundland delegate, who was then in London, Mr. Harvey, and that in the meantime we would withdraw the duty and thereby restore, as far as we were concerned, all matters between Newfoundland and Canada to the position they occupied previous to the proclamation of the Bait Act—let matters go on under the old system, as they had gone on for so many years, until a decision should be arrived at by the delegates. And we were greatly in hopes that the suggestion, coming as it did, and being promptly accepted by us, would have produced some good results. Unfortunately Mr. Harvey left London either the day, or the day before, the reception of this telegram in London, and he did not hear of it. At the time we were not aware he had left London, and we stated more than once that such an intimation had been given. It turns out that the Government of Newfoundland did not receive communication of it at the time, but we have taken steps to cause its transmission to that Government, and I have no doubt that at the time I am speaking they are perfectly aware of what, I think, they ought to have known from the first—the desire that Canada feels to enter into any arrangement, or join in any plan or scheme, by which the difficulties between the two countries may receive an amicable and fair discussion, and by which it might be hoped that a fair and just solution might be reached. It is our intention to follow up the suggestion which has been transmitted to the Newfoundland Government with further steps to endeavour to bring about a conference that may lead, we hope, to something more, especially as so little depends upon us in the matter. We have very little to withdraw or to retract, and we hope that a calm, dispassionate discussion of the matter by intelligent men from both countries, possibly supplemented by some one representing the British Government (which I think is greatly to be desired), may bring about some solution of our difficulty. We have the greatest possible desire that it may be so. At some time or other Newfoundland may possibly feel it to its interest to join us, and thus to round up our Dominion, and we hope the day may not be far distant when they may come to that conclusion. Of course difficulties of this kind interpose obstacles—obstacles resting more on feeling than on a practical basis—to such an arrangement as that, which might render it impossible. We all sincerely hope that that may not be the case—that this difficulty may not be prolonged. We have from the very first made up our minds to take no step that we could avoid, that would tend to produce or increase irritation against us in Newfoundland, and we are ready to receive with open arms at any time any suggestion of any mode by which these difficulties can be overcome. (Applause.)

Hon. Mr. BOULTON—With the hon. gentleman's permission, I should like to refer to one or two points in his address, where he made a personal charge against me. One was that I had justified Newfoundland in the part that its Government had taken. All that I said was that in the telegram which the hon. leader quoted, they reserve for themselves the right to take this course if Canada interfered with the operation of the Bait Act.

Hon. Mr. ABBOTT—There is nothing of that kind in the telegram.

Hon. Mr. BOULTON—What I particularly referred to there was the words "Our only object being to prevent supplies to foreign subsidized rivals."

Hon. Mr. ABBOTT—Read the rest of it.

Hon. Mr. BOULTON—"Fullest rights and privileges of all British fishermen to take or purchase for their own use, and hitherto enjoyed, will be maintained." If the Government of Newfoundland felt that the Canadian fishermen

were transgressing or interfering with the policy that they were trying to carry out, then under that telegram, I say that they could not be charged with breaking faith, and that is the charge which has been made against them. I say under the wording of that telegram they were justified in taking the course they did if they felt that Canadian fishermen were taking bait in Newfoundland waters and selling it to the French fishermen at St. Pierre and that the Canadian Government was not co-operating with them to enable them to carry out their policy.

Hon. Mr. KAULBACH—That is to say, the fact of one or two persons violating the Bait Act should operate against all Canadians ?

Hon. Mr. BOULTON—It is the Government's business to see that we do not infringe on the rights of our neighbours, when those rights are clearly defined. The hon. gentleman also said that it was injudicious to discuss this question. Now, I have discussed no question that is not already in the possession of the public. I merely discussed public documents which have been in the hands of the public for some time, and I feel certain that no harm will have arisen out of the discussion that we have had in this House yesterday and to-day, and I only hope that it may lead to a speedy solution of the difficulty. I am very glad indeed that I have been able to draw from the leader of the Government the fact that steps are being taken to bring about a speedy settlement of the disputes between the two colonies, and I feel sure that nothing has been said by any member of this House that will throw obstacles in the way of that settlement but will rather hasten it.

The motion was agreed to.

The Senate adjourned at 5.45 p.m.

THE SENATE.

Ottawa, Thursday, March 31st, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

PETITIONS FOR PRIVATE BILLS.

MOTION.

Hon. Mr. ABBOTT moved that the time limited for presenting petitions for private Bills, which expired on Tuesday last, be extended to Thursday, the 14th April next.

The motion was agreed to.

DEVELOPMENT OF SEA FISHERIES BILL.

THIRD READING.

Hon. Mr. ABBOTT moved the third reading of Bill (5) An Act further to amend chapter ninety-six of the Revised Statutes, intituled : "An Act to encourage the development of the sea fisheries and the building of fishing vessels."

Hon. Mr. POWER—When this Bill was at its previous stage I intimated that I proposed to move an amendment at the third reading, and I gave as a reason for proposing to do so that it would not appear in the Journals of the House, but I see that what takes place in committee does appear on the Journals, and consequently I do not feel called upon to move the amendment that I intended to offer at the third reading ; but I shall oppose the third reading for this reason : The section of the statute which is proposed to be stricken out provides that during each session a statement shall be laid before both Houses of Parliament of the mode in which it is proposed to distribute the grant in the ensuing year, and the assent of Parliament shall be obtained therefor ; I fail to see that there can be any possible objection to retaining that provision of the law. I cannot understand why there should be any difficulty in working it. The section does not say that a statement shall be laid before both Houses showing the names of the persons to whom the money is to be paid, but simply a statement from the Government of the mode in which they propose to distribute the money. Now, I think that is a very useful safeguard, and the Government should not be given a free hand to distribute the money as they please, as they practically will if this Bill passes. For that reason I propose to vote against the Bill.

Hon. Mr. ABBOTT—As I explained yesterday, this clause is practically useless.

Hon. Mr. POWER—That is because the Government have not done their duty.

Hon. Mr. ABBOTT—It is impossible of use and it has never, in fact, been used. The distribution of the bounty, as I stated yesterday, depends upon the amount of work which

each fisherman has done in his business. That is ascertained by a return made by the fishermen in the autumn of every year, under a notice which the Government issues to that effect. When that return is received, the mode in which the money is to be distributed is ascertained by a statement allotting to each fisherman the proportion of money which his work entitles him to receive. The clause which we propose to strike out says that the mode of distributing the money for the ensuing year shall be laid before Parliament. Of course the statement I have just made shows that it is impossible to know in one year what kind of distribution will be made, or will be necessary, in the following year, because it is impossible to know what work has been done or who have done it. The clause is therefore an absolute impossibility, in so far as it could be construed so as to be of any use. The object in passing it, no doubt, was to retain control over the moneys. If my hon. friend's construction of it were correct, Parliament would not retain any control of the moneys. It is obvious that there can be only one mode of distribution, by drawing a cheque for the amount of money that each man requires and handing it to him. It is perfectly obvious that that could never be the subject matter of the clause of an Act, because it is perfectly unnecessary and absolutely useless. I take it that the clause was placed there under a mistaken idea of its effect in protecting the privileges or powers of Parliament over the distribution of the money; but in reality for another reason it is absolutely unnecessary; the last clause of the Act provides that within twenty days from the commencement of each session a statement shall be laid before each House of Parliament showing how the money has been distributed; then Parliament has an absolute control over the distribution of the money; it can visit with its displeasure anyone who has improperly distributed it, and that kind of control has been generally considered sufficient—in fact, is generally adopted in cases of the payment of money where each individual payment cannot be made the subject of legislative action. Under the circumstances, it will be seen that it is very proper to strike from the Statute-book a section which only stands there in order to be disobeyed.

Hon. Mr. POWER—The mode does not mean the amount that is to be paid by each person; the ordinary and common sense interpretation to be given to that is that the Government shall inform Parliament of the principles upon which they propose to distribute it, how much to boats of a certain tonnage, how much per ton, and how much to each man in a boat, and so on; not the persons to whom it goes, but the principles upon which it is to be distributed.

Hon. Mr. KAULBACH—How can the Government ascertain the number of hands and the number of boats and the amount of the catch? How can they possibly make an estimate at all to bring before the House?

Hon. Mr. POWER—It is not an estimate at all; it is the plan.

Hon. Mr. KAULBACH—It is impossible to see how that could be done. That clause was practically useless.

Hon. Mr. POWER—My hon. friend wants to know how it could be done. The hon. gentleman knows that the same plan or mode is adopted every year.

Hon. Mr. KAULBACH—Very well; the greater reason why there is no necessity to have that clause remain on the Statute-book. It is inoperative and perfectly useless, and I am sure that it is better to repeal it. The Government must, within twenty days after the meeting of Parliament, show what disposition of the moneys has been made. There can be no wrong-doing under that—there can be no gross violation of the Act or improper distribution of the money. I think my hon. friend made a mistake yesterday when he asserted that this fund had been improperly distributed in Nova Scotia. I am sorry that such a charge should be made about the province from which I come, because when this information is circulated there it will have a decided effect on the country. My hon. friend must have had something to do with the road money distributed by the Local Government, and when he spoke of a man appearing at the meeting with cheques in his pocket he must have been thinking of some one who was there with these road grant cheques. The hon. gentleman must have been completely mistaken.

The motion was agreed to on a division, and the Bill was read the third time and passed.

CANAL TOLLS.

ENQUIRY.

Hon. Mr. SCOTT inquired whether the Government have come to any conclusion in reference to the rebate of canal tolls on grain re-shipped from Ogdensburg.

Hon. Mr. ABBOTT—I have to inform my hon. friend that the Government have not yet decided that question, but that it will be decided within the course of the next two or three days.

The Senate adjourned at 3.50 p.m.

THE SENATE.

Ottawa, Friday, April 1st, 1892.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

NORTH-WEST TERRITORIES AMENDMENT ACT.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (E) "An Act to amend the North-West Territories Act." He said: This Bill is to authorize the Government to appoint stipendiary magistrates. The object of it is to enable the Government to meet the wishes of some towns in the North-West which desire to have special magistrates for such towns, they paying them, and it is thought that that is in all respects a judicious measure, which the Government is disposed to favour. They therefore ask the House to pass this Bill giving them power to appoint those magistrates when such appointments are thought desirable. The Bill makes no provision for paying those magistrates, therefore it imposes no burden on the country.

Hon. Mr. VIDAL—I do not rise to offer any objection to the Bill, but it strikes me that the title is entirely a misnomer. There is nothing in it which in any way affects or amends the North-West Territories Act. It is either an additional clause, or it amends some clause which is not designated. The title seems imperfect as it is.

Hon. Mr. LOUGHEED—The title seems appropriate. This is an entirely new clause and does not amend any portion of the Act.

Hon. Mr. VIDAL—If that is the case, surely it should state that it is to come in at a certain place. I never knew an Act to be amended without specifying where the amendment was to come in.

Hon. Mr. ABBOTT—It is only a matter of form. I will look into the question, and if necessary the Bill can be amended in Committee of the Whole House.

The motion was agreed to.

BILLS INTRODUCED.

Bill (29) "An Act respecting the Nipissing and James' Bay Railway Company." (Mr. Lougheed.)

Bill (28) "An Act respecting the Belleville and Lake Nipissing Railway Company." (Mr. Read, Quinte.)

Bill (35) "An Act respecting the Manitoba and South Eastern Railway Company." (Mr. Girard.)

Bill (24) "An Act respecting the Nicola Valley Railway Company." (Mr. Reid, B.C.)

Bill (6) "An Act to amend the Canada Temperance Amendment Act, 1888." (Mr. Vidal.)

Bill (14) "An Act respecting the Grand Trunk Raiway Company of Canada." (Mr. Vidal.)

The Senate adjourned at 3.40 p.m.

THE SENATE.

Ottawa, Monday, April 4th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

NORTH-WEST TERRITORIES AMENDMENT ACT.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (E) "An Act to amend the North-West Territories Act."

(In the Committee.)

On the title,—

Hon. Mr. ABBOTT—With regard to the title of this Bill I have enquired, and I find that it is not at all unusual to pass such amendments without stating to what parts of

the Acts they shall refer, and especially in Acts like this where they really refer to no part of the Act but substitute a new law.

Hon. Mr. LANDRY, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BELLEVILLE AND LAKE NIPISSING RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. READ (Quinte) moved the second reading of Bill (28) "An Act respecting the Belleville and Lake Nipissing Railway Company." He said: This is merely asking for an extension of time to commence the construction of the work.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 3.30 p. m.

THE SENATE.

Ottawa, Tuesday, April 5th, 1892

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

SECOND READINGS.

Bill (B) "An Act for the relief of James Albert Manning Aikins." (Mr. Sanford.)

Bill (C) "An Act for the relief of Herbert Remington Mead." (Mr. Perley.)

Bill (D) "An Act for the relief of Ada Donigan." (Mr. Cochrane.)

Bill (24) "An Act respecting the Nicola Valley Railway Company." (Mr. Reid, Cariboo.)

MANITOBA AND SOUTH EASTERN RAILWAY COMPANY'S BILL.

SECOND READING.

Mr. GIRARD moved the second reading of Bill (35) "An Act respecting the Manitoba and South Eastern Railway Company." He said: Under its Act of incorporation the company is required to complete the section between St. Boniface and the parish of St. Anne before the first of November, 1892; the object of this Bill is to empower the company to prosecute the work from time to time as they may deem necessary, so long as they complete the section to St. Anne before the first of November, 1893, and shall construct not less than ten miles each year thereafter. There is also a provision in the Bill by which the company may purchase mineral lands for the purpose of mining in that part of the country, but they are not authorized to hold more than 10,000 acres of such land.

The motion was agreed to, and the Bill was read the second time.

CANADA TEMPERANCE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (6) "An Act to amend the Canada Temperance Amendment Act of 1888." He said: The Act to which I now invite the attention of the House for a few minutes contains no new principle whatever. Experience has shown in the working of this law that certain amendments of a technical nature are required to make it operative, and in order to carry out the intention of Parliament and what is obviously the meaning of the Act passed in 1888. The changes proposed are few. The principal one is the omission of the sub-section "c," which is in these words:—

"Physicians' prescriptions containing spirituous liquors if sold in quantities of not more than ten (10) ounces at any one time."

because this is better expressed and provided for in sub-section "e" of the present Bill, and for the same reason in sub-section "e" also there is a slight change made. In all other respects there is no change proposed to be made in the Act of 1888, as far as these requirements are concerned. The intention of the original Act was not to interfere with the ordinary traffic of druggists in mixtures containing alcohol for exclusively medicinal purposes, or alcohol sold for use in some art, trade or manufacture, and which is not used as a beverage. It has been found to be an unnecessary burden imposed on druggists to require that every sale of a patent medicine, of eau de Cologne, extracts, varnishes, etc., containing alcohol, shall be registered. That is a burden no temperance man wished to place upon them in the carrying on of their business. The record desired to be made was simply that of the prescriptions which ordered alcohol or any intoxicating liquor in

quantities larger than are generally found in medical prescriptions, and of sales of alcohol for use in art or manufacture. It is absolutely necessary that a restriction of that kind should be imposed upon druggists, for otherwise druggists' shops would simply become tippling saloons. I may remark, also, that the provision made in the Act of 1888 that each such sale shall be recorded in a book kept for the purpose, giving the name and address of the purchaser, quantity, &c., while it imposes a serious burden on parties engaged in this business, really amounts to nothing. It is entirely inoperative, as there is no penalty attached to the infraction of it. To meet this difficulty, and to relieve the druggist from keeping a record of the sale of perfumery, varnishes, extracts, eau de Cologne and such articles containing alcohol, and at the same time in order to secure the public from the sale by druggists of intoxicating liquors as beverages under the guise of prescriptions or magistrates' certificates, this amendment is proposed. That is really the sum and substance of the Bill, and the clauses are framed in such a way as to be in harmony with the clauses of the Canada Temperance Act, their efficacy depending on the proviso in the proposed sub-section "e." The insertion of the proviso is the protection to the public; because if that proviso is not complied with, the party selling comes under the prohibitory provisions of the Act and is guilty of a misdemeanour.

Hon. Mr. KAULBACH—Is the certificate of the druggist filed ?

Hon. Mr. VIDAL—Yes ; the Act requires it for the sale of any of these prescriptions for alcohol, wine or spirits. It has been the law from the very first. The only change is that the present Bill merely provides that the record to be kept shall relate to such prescriptions and sales as I have mentioned, and not to sales of such other articles as perfumes, lotions, extracts, varnishes, tinctures, &c., containing alcohol.

Hon. Mr. McMILLAN—Do I understand my hon. friend to say that the original Act contains this proviso that such spirituous liquor or alcohol, when sold for medical purposes, shall not exceed in quantity ten ounces at any one time ?

Hon. Mr. VIDAL—We are not originating that provision as to the quantity of alcohol restricted ; it exists in the Act of 1888.

Hon. Mr. McMILLAN—And that is struck out ?

Hon. Mr. VIDAL—No ; the change from the original Act of 1878 was made in 1888 in cap. 34 where it is similarly provided for, and it is now continued in sub-section "e" of the Bill before us. It is nothing new, though a change from the original Scott Act.

Hon. Mr. McMILLAN—That is an amendment of cap. 35.

Hon. Mr. VIDAL—Yes ; and we still retain it.

Hon. Mr. McMILLAN—Ten ounces is a very large quantity in a physician's prescription.

Hon. Mr. VIDAL—It is not to exceed ten ounces, but I will read what we propose in this Bill :—

"Spirituous liquors or alcohol for exclusively medicinal purposes, or for *bonâ fide* use in some art, trade or manufacture ; provided that such spirituous liquor or alcohol when sold for medicinal purposes shall not exceed in quantity ten ounces at any one time, and shall be removed from the premises, and that the sale thereof be made on the certificate or prescription of a legally qualified physician, affirming that such liquor or alcohol has been prescribed for the person named therein."

We continue to use the same language as in the Act of 1888. I think hon. gentlemen will see that it would be much more convenient in discussing any of these details to do so in committee, and any amendment or alteration thought desirable can then be made much more conveniently than at its present stage.

The motion was agreed to, and the Bill was read the second time.

GRAND TRUNK RAILWAY BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (14) "An Act respecting the Grand Trunk Railway Company of Canada." He said : The Bill which I now present for your consideration is one which contains nothing new or unusual. The Grand Trunk Company has become, by purchase, the holder of the bonds of the Pacific Junction Railway, and possessors of all the stock, and they ask that this transaction may be sanctioned by law, that they may become amalgamated, and that

the latter road shall become a part of the Grand Trunk Railway. They ask also in connection with this the power to issue debenture stock, in order that some repairs and improvements may be made on the line. The company ask for nothing unusual. The interests of all parties are carefully guarded, and the amalgamation can only be completed by the acceptance of the Act, as provided for generally in similar cases, and after due notice to the parties interested in it. This Bill will be much more conveniently discussed in its details in committee.

Hon. Mr. POWER—I have a sort of indistinct recollection that when Parliament some years ago gave a very large subsidy for the construction of this line—$12,000 a mile I think it was—it was on condition that this road should be kept independent, both of the Grand Trunk Railway and the Canadian Pacific Railway. I would like to know from the hon. gentleman if that was not the case; and if that was the case, if it was the policy of the country then not to allow these roads to consolidate, whether there has been a change of policy since, and why?

Hon. Mr. KAULBACH—It seems to me that for a number of years the Grand Trunk Railway has held it by a perpetual lease. It has virtually been merged into the Grand Trunk Railway.

Hon. Mr. VIDAL—I am unable to give the information which my hon. friend from Halifax asks for; but if he allows the Bill to go to committee I will be prepared to discuss these points there.

Hon. Mr. POWER—I have no objection, the understanding being that we can discuss it in committee. This is the very principle of the Bill as to which I ask the question, and I might be told in the committee that it was not the place to discuss the principle of the Bill. Since it is understood that the principle of the Bill may be discussed in committee of course that is a more convenient place to do it.

The motion was agreed to, and the Bill was read the second time.

NIPISSING AND JAMES BAY RAILWAY BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (29) "An Act respecting the Nipissing and James Bay Railway Company."

Hon. Mr. POWER—I think this is a Bill of which we should have some explanation. James Bay is a place where nobody lives, and there is not any business and cannot possibly be any business, because there are no harbours there, and I understand that the bay itself is gradually becoming more shallow. One cannot see any object in building a railway to a place like that. I do not know whether there is any mud in James Bay that one would like to bring to Nipissing; there is nothing at James Bay barring mud that can be brought back to Nipissing. It is proposed by the second clause of this Bill to authorize the company to bond this road which goes from Lake Nipissing—to what may be called a sort of hole in the ground—for $25,000 a mile. The company have authority now to bond it for $20,000 a mile. I think the hon. gentleman who promotes this Bill should, before he asks the House to accept the principle of it, give us a little more information about it. There may be some explanation to give, and if so it is in the public interest we should have it. If the hon. gentleman from Lunenburg will excuse me, I would sooner have the information from the promoter of the Bill than from him. I am quite aware that the hon. gentleman from Lunenburg keeps himself pretty well informed as to all the measures before the House, but I do not suppose that the promoters of this Bill have disclosed to him confidentially the reasons why they have introduced it.

Hon. Mr. KAULBACH—The objection of my hon. friend to this Bill is puerile, in so far as we are not now questioning the propriety of incorporating the Nipissing and James Bay Railway Company. The company is already incorporated; they exist today, and therefore my hon. friend's objection is certainly out of place. Then, as regards selling the road, or conveying any portion of it to another company, that may be fairly criticised when the Bill goes before the committee. It does not affect the principle of the Bill anything that my hon. friend may say on the matter.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. POWER—I regret that the promoter of the Bill has not given the information I asked for, but I suppose that when the

measure goes before the committee he will be able to give it there. Although it is slightly irregular I might be allowed to make one reference to the astute argument of the hon. gentleman from Lunenburg. The hon. gentleman said that my objection to this Bill was not in point, because this was not an Act incorporating the company. If the hon. gentleman looks at the Bill he will find that it proposes to keep the company alive. The company would perish, as it deserves to perish, if this Bill were not passed ; so practically we are dealing with the very question as to whether the construction of this road or the incorporating of such a company is a desirable thing. I do not think the hon. gentleman's criticism on that point is sound. He made another observation which I have lost sight of, but I suppose it was of no more importance than the one I have already referred to.

Hon. Mr. KAULBACH—I never go to my hon. friend very much for my understanding ; I am afraid I should fail in my object if I did so.

Hon. Mr. LOUGHEED—When the Bill is referred to the committee I shall undertake to satisfy the committee, without including the hon. gentleman from Halifax. I certainly would not assume such a gigantic task as to satisfy my hon. friend upon any question that would be under consideration.

The Bill was referred to committee.

BILLS INTRODUCED.

Bill (17) "An Act to incorporate W. C. Edwards & Co." (Mr. Clemow.)

Bill (15) "An Act to amend the Act to incorporate the McKay Milling Company." (Mr. Clemow.)

The Senate adjourned at 4.10 p.m.

THE SENATE.

Ottawa, Wednesday, April 6th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE REDISTRIBUTION BILL.

QUESTION.

Hon. Mr. POWER—Before the Orders of the Day are called I would like to ask the leader of the Government when he expects the Redistribution Bill will be introduced ? It is merely because one wishes to have some idea of the condition of the business of the session I ask the question.

Hon. Mr. KAULBACH—Does my hon. friend want a constituency ?

Hon. Mr. ABBOTT—I think before the week ends we shall be able to announce the day and perhaps introduce the Bill. I am in hopes, at all events, it will be introduced early next week.

Hon. Mr. POWER—I would like to know whether the Government propose to go on with the Criminal Law Consolidation Bill this session ?

Hon. Mr. ABBOTT—The Government decidedly intend to go on with the Criminal Law Consolidation Bill. The delay is caused by the work of the Printing Bureau being somewhat behind. Whether we shall be able to put it through this session or not remains to be seen.

W. C. EDWARDS & CO. BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (17) "An Act to incorporate W. C. Edwards & Co." He said : This Bill is to convert the extensive firm of W. C. Edwards & Co., of Rockland, into an incorporated company. Similar Bills have been passed for other companies of this kind and companies so incorporated have been found to work satisfactorily. The Bill is the same as others of this character, except it gives the company power to purchase and operate mining rights and mining properties. This clause was taken exception to in the Commons but was allowed to pass there when the matter was explained.

Hon. Mr. ABBOTT—As I may not possibly be in attendance on the committee when this Bill comes up, I would like to call my hon. friend's attention to the fact that the title of the Bill is not one that is usual in incorporated companies. It receives the title of an ordinary partnership, and is calculated to lead people into an error as to the liability of the parties. If my hon. friend were to call it "The W. C. Edwards Company," it would answer every purpose.

Hon. Mr. KAULBACH—Although my hon. friend from Ottawa has called attention to the extensive powers given by this Bill, they are more extensive even than he has stated to the House. I have never known a Bill of this character incorporating a lumber company, giving so many and so varied powers. It grants powers for the running of stock farms, dealing in general merchandise, stock raising, the purchasing and working of mining rights, smelting, as well as the ordinary business of a lumber company—I can hardly conceive anything that the company would not have the power to do under this Bill.

Hon. Mr. HOWLAN — It is an "omnibus" Bill.

The motion was agreed to, and the Bill was read the second time.

THE McKAY MILLING COMPANY BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (15) "An Act to amend the Act incorporating the McKay Milling Company." He said: A Bill was passed last session incorporating The McKay Milling Company, but it was found that the respective positions of the stockholders, preferential and otherwise, were not properly defined. This Bill is merely to define the respective positions of each party. It is now provided that the holders of preferential stock shall receive a dividend of 7 per cent. before the other parties are entitled to anything; but the other parties are afterwards entitled to a dividend out of the balance of profits which shall remain after payment of the preferential dividends. The Bill is merely to supply a deficiency found to exist in the Bill of last session.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 3.37 p. m.

THE SENATE.

Ottawa, Thursday, April 7th, 1892.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

CANADA TEMPERANCE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (6) "An Act to amend 'The Canada Temperance Act, 1888.'"

(In the Committee.)

Hon. Mr. VIDAL said: The Bill which we have now to take into consideration consists of only one clause, and has no preamble. The object of the measure is to repeal section 11, of chapter 35 of the Statutes of 1888, and substitute for it the provisions which are embodied in the sub-sections of this Bill. I may remark that the clauses differ very little from the law as it now stands. Sub-section "a" is precisely the same as that in the law of 1888: section "b" of that Act is merely taken out of its place and put in sub-section "e" of this Bill in an improved form, and its meaning expressed in a clearer manner. Sub-section "c" of that Act is "b" in the present Bill, and is the law as it now stands. Sub-section "d" of the Act is sub-section "c" of this Bill, without any change whatever. Sub-section "e" of the former Act becomes sub-section "d" of this; the only change being the taking out the words "alcohol or," and they also become part of sub-section "e." Sub-section "e" of this Bill, which makes provision for what has been changed, is almost identical in its terms with the section 5 of chapter 34 of the Act of 1888. It has been thought better to follow the exact wording of that Act, and this makes sub-section "e" longer than it was in the law which it amends. I may repeat what I said when I introduced this Bill: that this provision in the Act of 1888, while directing that a record shall be kept of certain sales made, was entirely inoperative on account of requiring what could not be complied with, and also because no penalty was attached to an infraction of any of its provisions. It is proposed to cure those defects by sub-section "e" of this Bill. It makes no new provision—it is merely chang-

ing the position and terms of what is already in the Act.

Hon. Mr. McMILLAN—While I agree with the object that my hon. friend has in view, I have an objection to striking out that clause "b," where physicians' prescriptions, containing not more than 10 ounces of alcohol, are excluded.

Hon. Mr. VIDAL—There is nothing left out by this Bill; it is merely transferred and embodied in sub-section "e."

Hon. Mr. McMILLAN—A physician's prescription may contain 10 ounces altogether, with only one ounce of its contents alcohol, and yet he is required to keep a record of that prescription under clause "e" of this Bill, though it is never intended as anything more than a prescription. I would prefer to retain clause "b" in the present Bill, and reduce the quantity to 8, or even 6 ounces if you like, and have clause "e" read like this: "Provided that such spirituous liquors, when sold for medicinal purposes, shall not exceed in quantity 8 or 10 ounces." Then I could understand the force of the amendment, and it does not do away with the necessity of keeping a record of the physician's prescriptions, if a record is kept at all.

Hon. Mr. VIDAL—My hon. friend is entirely mistaken. If he had read sub-section "e" of the Bill he would have seen that nothing is dropped out of the Act. We merely express the same thing in a better form in another part of the Bill, and it does not require that the prescriptions shall be registered.

Hon. Mr. McMILLAN—It does if they contain alcohol.

Hon. Mr. VIDAL—You will observe by the language of the clause that it only relates to prescriptions which contain larger quantities of alcohol than are generally required for medical purposes. Unless a prescription contains over 10 ounces of alcohol it does not require to be registered. In this Bill we are taking off a restriction which was imposed on druggists. We require no record of anything except where alcohol is sold for use in arts or manufactures, which is always in larger quantities, and this record is to be kept in order that druggists may not convert their shops into mere tippling saloons. We do not require physicians' prescriptions to be recorded.

Hon. Mr. McMILLAN—I have just written a prescription which contains muriatic acid, tincture of ginger, &c., and one ounce of alcohol. Does not this provision require that the druggist who fills the prescription shall keep a record of it?

Hon. Mr. VIDAL—Most decidedly not. It is for the very purpose of relieving druggists of a very unnecessary burden that is imposed on them that this amendment is proposed. It does not require any record to be kept unless more than 10 ounces of alcohol are prescribed at one time, and the hon. gentleman will readily admit that a prescription containing more than 10 ounces of alcohol is to be regarded with suspicion and should be recorded.

The sub-sections "a," "b," "c," "d," were then adopted.

Hon. Mr. VIDAL—Before moving the adoption of sub-section "e" I wish to make an amendment in line 30 by inserting after the word "physician" the words "having no interest in the sale." Now, I may remark that these words were in the original Canada Temperance Act passed in 1878, and have been retained in the amendments of the Act made since then, and are in the law as it stands to-day. They were in the Bill which passed a second reading in the House of Commons last year, of which this is almost a verbal transcript, and why they are not in the present Bill is a matter of mystery. I am quite sure that they have not been omitted at the suggestion or request of any of the parties who laboured hard to have them incorporated in the original Act, and retained in the amendments subsequently made to that Act. There were cases—I rejoice to say that they have been exceedingly rare—where physicians gave certificates in order to get liquor for themselves. To meet cases of that kind it was necessary that a safeguard of this nature should be provided. I therefore move that these words be inserted in the Bill; it is merely preserving in this Bill what is now the law of the land, and has never been complained of.

Hon. Mr. LOUGHEED—It seems to me that this amendment is liable to damage the druggist. In what way is he to know whether the physician who signs the prescription has an interest in it or not? We should not throw such an onus on the druggist.

Hon. Mr. KAULBACH—My hon. friend says that there have been only very exceptional cases where physicians have become so demoralized as to violate the law in the manner described. I think, therefore, that my hon. friend should not press this amendment, for the reason given by the hon. gentleman from Calgary—that the druggist may not know whether the liquor is intended for the physician who prescribed it or not. I would suggest that not only physicians, but also two magistrates should be allowed to prescribe alcohol. In many parts of the country there are no physicians, and it is not always practicable for poor people in such places to get a physician's prescription. I am sure that the character of our justices of the peace is sufficiently good to assure us that they would not grant a certificate except in case of sickness. They should be allowed to give prescriptions when the power is guarded, as it is in the Temperance Act.

Hon. Mr. POWER—And clergymen, too ?

Hon. Mr. KAULBACH—Yes, and clergymen, too. A man of wealth can easily keep a stock of liquor on his premises and use it in cases of necessity, but it is not so easy for a poor person to employ a physician when he wants a prescription for alcohol. Very often persons come to me who are sick and require alcohol and are unable to get it under the law. In some forms of sickness, such as grip, spirituous liquors are essential and provision should be made for such cases to enable poor people to preserve their health or to secure the means of restoring health. My hon. friend from Sarnia should not make this law so rigid that it will do harm. I know in the county from which I come there are hundreds of persons who are not near enough to doctors to get a prescription for alcohol, and they have been obliged to come to me for liquor. I know they would not apply to me if they could buy it or if they could get a prescription for it from a medical man. I hope my hon. friend will not be so rigid in his temperance views as to prevent his doing what is right to preserve people's health or prolong their days. In consequence of the stringency of the law, many poor people have suffered, and many have died through being unable to procure alcohol.

Hon. Mr. VIDAL—If I were now seeking to introduce a new principle I could understand my hon. friend's argument, but since 1878, when the law was passed, this has been one of its provisions, and I want to know why we should be asked to take the responsibility of striking from the Act something which was considered of the utmost importance to it when it was passed, and when nobody is complaining that any inconvenience has been caused by it up to the present time ? Any chemist would be allowed, without the least interference by anybody, to make up medicines when required with a certain amount of alcohol in them. The words which I wish to introduce in this Bill have been left out without discussion or petition, and if I were to drop the Bill altogether they appear in the law of the land as it is, so there is no new burden imposed on anybody whatever. I shall certainly persist in pressing this amendment. If the committee thinks fit to reject it, I cannot help it, but I cannot consent to a mutilation of that Act whose operation has been so beneficial, especially when the friends of temperance consider this an important feature of the measure.

Hon. Mr. ALMON—I rise not to oppose the motion, because I think all these little effects are just galvanizing a corpse which is devoid of vitality, but, if I understand the hon. gentleman, this clause means that if a medical man has an interest in making up a prescription it is not to be made up. Is that it ? For instance, supposing a person comes to a medical man and asks for a prescription, and the medical man gives a prescription and charges a dollar, he has an interest in making up the medicine, has he not ?

Hon. Mr. VIDAL—He has no interest in the sale.

Hon. Mr. McMILLAN—How does the hon. gentleman reconcile that with the first clause : "Nothing in the Canada Temperance Act shall be held to interfere with the purchase or sale by legally qualified physicians, chemists or druggists of the following articles," &c." Has not the physician an interest in that sale ? Supposing he is the owner of a drug shop ?

Hon. Mr. VIDAL—Then he becomes a druggist, not a physician.

Hon. Mr. McMILLAN—But does it not deprive him of the right to give a prescription ?

Hon. Mr. POWER—I do not think that my hon. friend from Sarnia quite caught the observations of the hon. gentleman from Lunenburg. I am not sure that I quite comprehend the hon. gentleman's remark myself, but as I understood him he did not so much object to the provision that a physician shall not be interested in the sale of liquor as to the limitation of the sale to the prescriptions of physicians. As I understood the hon. gentleman from Lunenburg, he proposed that magistrates and justices of the peace, and I presume Senators and other persons of that sort, should have the right to issue those prescriptions. Well, I have never been an advocate of the Scott Act myself, but I think the greatest enemy of the Scott Act could not wish for a more effective way of destroying its effect than making such an amendment as that. I do not think that the amendment which the hon. gentleman from Sarnia proposes is worded just as it ought to be. A physician who gives a prescription is interested in the sale, because the mere fact of his giving a prescription indicates it. I think the hon. gentleman would carry out his object and his language would be less liable to misapprehension, if he said "having no pecuniary interest in the sale."

Hon. Mr. McMILLAN—That does not alter it at all.

Hon. Mr. POWER—With respect to the Scott Act, I wish to say this: while I have never been in favour of the principle of the law, still, as it is on the Statute-book and has to be brought into operation by the votes of the people, inasmuch as the people have the right to repeal the Act when they are tired of it, and inasmuch as, in a great majority of cases, the Act has been repealed and is now in force in very few counties, we should give the law fair play, and allow the people who are in favour of retaining it to have it in such a form as will carry out their objects. The amendment proposed by the hon. member from Sarnia is in the right direction. If a doctor happens to be interested in the sale of liquor it would not be well that he should be allowed to prescribe liquor for his patients.

Hon. Mr. KAULBACH—It may be that sometimes a doctor in the country has a drug store himself, and should he be prevented selling, or should the public be prevented getting what is necessary for their health, because the physician has a direct or indirect interest in a drug store? I am sure that my hon. friend, in his desire to prevent a man from getting liquor at all for any purpose, has gone too far. Two magistrates may give a certificate for any quantity of liquor if it is for use in the arts or manufactures, or some trade. That certainly is not of so much importance as to preserve the life or health of any person. Now, what I claim is: that magistrates in rural districts might with safety and advantage be given the right to prescribe alcohol in cases of sickness. The very fact of making this temperance law so stringent has had a different effect from what its promoters intended. I know that in the country parts the effects of it are felt very severely in that way. People cannot buy liquor, and when they are not within reach of physicians they are compelled to come to myself and others and ask for liquor as a favour. The Act has a tendency to raise strong feeling against the law. I am sure that my hon. friend might safely, with the safeguards provided in this Bill, give power to magistrates to grant prescriptions where there is no physician, say within ten miles of the sick person.

Hon. Mr. VIDAL—With the permission of the committee I would like to accept the hon. Mr. Power's amendment and insert the word "pecuniary."

The committee divided on Mr. Power's amendment:—Yeas, 10; nays, 30.

The amendment was declared lost.

Hon. Mr. VIDAL—I have another amendment to propose. On page 7 it reads that provision is made that these records which are required to be kept shall be open to inspection by the inspector of the county or district. I wish to insert after the word "district" these words: "or by any magistrate or justice of the peace having jurisdiction therein." In the Bill as it now stands there is only one person, the inspector of licenses for the county or district, who has the privilege of examining the records. I think it is exceedingly important that another authority should be admitted, and I would restrict it to the magistrate or justice of the peace.

Hon. Mr. McMILLAN—I do not know that it is advisable to give every magistrate in the land the privilege of going in and inspecting

a druggist's business. From what I know of inspectors of licenses in Ontario they have very little to do, and I think if you give them this little extra duty that they can attend to it without asking every magistrate in the land to step into the druggists' shops and see how they keep their records. If we were going to impose the duty upon anyone I would say give it to the clergymen. Some reflection was thrown upon the doctors a little while ago, that it would not do to give it to them as they might have an interest in the sale of liquor by druggists, but I know that many magistrates would be very glad to have an excuse for going in to have a conversation with the druggist, and perhaps the opportunity of taking a "smile" with him.

Hon. Mr. VIDAL—I think the observation of my hon. friend has no weight whatever against the proposition I have made. He must be aware that the inspectors are by no means always friendly to the temperance cause, and I think it is exceedingly desirable that a person who is sufficiently worthy of the confidence of the Government of the day to be appointed a justice of the peace ought to be entrusted with a work of that kind—making an inspection of the record which is very necessary at times in deciding cases that come before them for adjudication.

Hon. Mr. KAULBACH—I think my hon. friend has given the best reason why it should not be so. A justice of the peace who is to be judge of a case might, through his zeal for the temperance cause, be prejudiced in his judgment if he had this power of inspection of the druggists' records. If my hon. friend says "clergymen" I have no objection to it.

Hon. Mr. VIDAL—I would be quite willing to accept the suggestion of my hon. friend to say "clergymen" instead of "magistrates."

Hon. Mr. CASGRAIN—The license inspector can do the whole thing. I object that clergymen should have anything to do with it.

Hon. Mr. POWER—I understand that in a case of trial these records can be brought before the court ?

Hon. Mr. VIDAL—I do not know that they can.

Hon. Mr. POWER—The very object of this provision is that there shall be evidence to be produced in court in course of the trial. I have not examined the "Scott Act" to see whether the record can be produced in court, but I have no doubt that all these documents can be produced as evidence. If that is the case I do not think it is desirable that magistrates should be allowed to pry into the business of the druggists in that way. I do not know how it is in Ontario, but I know that in the province from which I come magistrates are not quite as thick as blackberries, but very nearly, and it would be exceedingly inconvenient and unsatisfactory if every magistrate had the right to enter any druggist's shop and examine his record, when the record can be produced at the trial.

Hon. Mr. ALMON—There is one thing to be considered : Every member of this House would not care any more than any body else to have every prescription given him by a medical man open for examination—even though there were no spirit in the prescriptions.

Hon. Mr. BELLEROSE moved an amendment to the amendment to substitute the words "ministers of religion" in place of "justices of the peace." It is well known throughout the Dominion that many magistrates are as fond of liquor as men who are not magistrates, while it is quite as well known that ministers of religion are in favour of temperance.

Hon. Mr. GOWAN—I have much pleasure in seconding that amendment.

Hon. Mr. O'DONOHOE—I object to any such amendment throwing the duty on ministers.

Hon. Mr. VIDAL—It does not impose the duty on the ministers ; it only gives them the right to inspect.

Hon. Mr. O'DONOHOE—I see no use in delegating a right that you have not the power to enforce. You have not the right to enforce it and therefore it is no use in adopting the amendment. I am quite sure no clergyman is going to act as a spy on the business of a druggist, and I trust the good sense of this House will not throw any such disagreeable duty upon ministers of religion.

The committee divided on the amendment to the amendment. The yeas were counted,

numbering 7. The nays were not taken, and the sub-amendment was declared lost.

The amendment was declared lost on a division.

The clause was then adopted.

Hon. Mr. DICKEY—With the permission of the House I wish to propose, as an additional clause, one that is in harmony with the principle of local option. That principle is of a two-fold character—that is that the majority may adopt or reject the Act; consequently this Act, when put in force, applies to a certain limited district, which, in the original Act, is defined as a county or city. The amendment which I am about to propose will be giving this principle a more enlarged scope by extending it to the municipalities that are separated from the different counties. Fourteen years ago this Act passed. That, after all, is only a litte more than half the life of confederation; at the same time it has been long enough for many of us to notice a great many changes that have taken place in the country. When this Act was passed we had cities as there are cities now, but there were very few incorporated towns. Whether it be from the circumstance of certain districts becoming the centres of manufactures or railway centres, or from other reasons, we do know that in various parts of the Dominion have sprung up incorporated towns and their existence has been recognized by the legislatures separating them for all municipal purposes from the counties to which they belong; and it is in reference to those towns that I wish to propose an amendment, the substance of which will be to give to these incorporated towns the same powers and privileges in regard to adopting or rejecting this Act as are now enjoyed by cities, for after all the city, although originally part of the county, has been by this Act separated from the county, as regards the operation of the Act, by the fact of its making a distinction between counties and cities, and gives to its operation a certain limited area. In the county the principle of allowing the people to decide for themselves whether they will or will not adopt this Act, or whether having once had it they will reject it, is established. This being the case, I hope this principle will be accepted by my hon. friend who has charge of this Bill, when extended to incorporated towns. Certainly there can be no logical answer to the application of this principle to incorporated towns, which now to a large extent represent what cities were in the earlier days, and even in some places what they are now, and I hope that whatever view may be taken of it my hon. friend will accept my amendment. I am quite prepared for the answer; in fact it is the only answer that has been suggested to me, for I took the liberty of consulting my hon. friend on this point before thinking it right to bring this additional clause before the House, and I fancy the objection would be this: you will give an opportunity for persons to come in from the county, which may be under the operation of the Canada Temperance Act, and buy liquors. The answer to that is two-fold: in the first place, my hon. friend must be aware that it can be done now under the operation of this Act by going to the cities. That is one answer; the other is this: that the amendment which I propose works both ways; it gives the power to any incorporated town to adopt the Act or reject it as they please. If they adopt the Act, then the sale is stopped, and they have the power to do that if they choose. I think we ought to pay some little respect to the action of the Provincial Legislatures, and the Provincial Legislatures in their wisdom, looking at the progress of the country, have thought proper to say, with regard to specified towns, that they shall have all the privileges of cities *quo ad* this matter—that they shall be separate municipalities for all municipal purposes—and we have a right to say that these incorporated towns, that have a fair share of the intelligence and of the virtues and morals of the whole community, that though they may form part of a county in which there is no Scott Act whatever, they shall have power to put the Scott Act into operation. The converse of that is quite true: they may have the power of rejecting it, and it is to give them the option of doing that which the cities are now, under this Act, allowed to do, that I ask the attention of the House to the amendment which I am about to propose. I have already stated that this amendment is directly in line with the policy of the Act and upon that point there can be no doubt. But it is more than that: it is directly in line with another principle, which is one of the main planks of the temperance platform in other countries, as well as in the United States and Canada, and that is local option. It is carry-

ing out the principle which Sir Wilfred Lawson, who is the great apostle of temperance in England, has made a question of his own, and it is the principle upon which temperance or anti-temperance is fought out in England. I do not go the length that they do there of desiring to extend it to every sub-division called a municipality. I ask the House to go only on the lines of the Canada Temperance Act, and ask that the incorporated towns shall have the same functions in relation to the Act as the cities now have. I therefore move as an additional clause the following :—

"Notwithstanding anything contained in cap. 106 of the Revised Statutes and the Acts in amendment thereof, whenever a portion of a county has heretofore been separated or is hereafter separated for municipal purposes from the remainder of the county, and has heretofore been or is hereafter erected into a separate municipality, under an Act or Acts of the legislature of any of the provinces, the qualified electors of such separate municipality shall have and enjoy the same rights and privileges of petition and voting for the adoption of the petition to the Governor in Council for an Order in Council to bring into force in such separate municipality the second part of the Canada Temperance Act and for the adoption of a petition for revocation of any such Order in Council applicable to such municipality as are now or may be exercised by the electors of any county or city by virtue of the said Act or any Act in amendment thereof ; and each and all of the provisions of the said Act and amending Acts shall apply *mutatis mutandis* to every such petition and to proceedings to be taken thereon, and the powers to be exercised and the offences to be committed and the penalties incurred in the course of and connected with such proceedings, in the same manner and to the same extent as if such separated municipality had been included in the interpretation clause of the said Act."

Hon. Mr. VIDAL—Before any further action is taken in reference to it I rise to a point of order. It may seem presumptuous in me to question the propriety of the action of an hon. gentleman so much more experienced in legislation than I am, but it appears to me that this committee has nothing whatever to do with an amendment of that kind—an amendment striking at the very fundamental principle of the Bill. The Bill before us is a measure simply relating to the sale by druggists, and nothing else ; consequently, the introduction of such an amendment is, in my judgment, entirely out of order. My impression is that the proper way to deal with an amendment of that kind is to give notice that such a motion will be made at a reading of the Bill ; but it certainly is not, I think, a matter that ought to be taken up by the committee at this stage. Notwithstanding that my hon. friend thinks the amendment is quite in harmony with the general principle of the Canada Temperance Act, I venture to differ from that opinion *in toto*, and I am sustained in my view of the matter by the views of all those with whom I have communicated on the subject since my hon. friend spoke to me. They regard it as being subversive of the Canada Temperance Act itself—that there is no reason whatever that can be advanced, in their judgment, for its being brought into the Canada Temperance Act as one of its provisions. In the Province of Ontario, for instance, it would create endless confusion. The time for discussion of it, however, is when the question is properly before the House, which I do not think it is now.

Hon. Mr. KAULBACH—My hon. friend is certainly not answering the argument of my hon. friend from Amherst. A municipality having all the privileges of a city granted to it should surely have control over this matter of selling liquors within its own limits. If my hon. friend from Sarnia thinks this amendment is taking the House by surprise, the hon. gentleman from Amherst had better give notice that he will move it on the third reading of the Bill. Certainly the hon. gentleman from Sarnia, although he has had notice from the hon. gentleman from Amherst of his intention to produce this amendment, has not advanced one argument why it should not be adopted. It is certainly within the spirit and intention of the Canada Temperance Act that the people shall say whether they will have the Act or not, and where can it be better expressed than in the municipalities hemselves.

Hon. Mr. BOTSFORD—It strikes me that the proposition is a very reasonable one, and I am not prepared just at present to decide whether it is out of order or not. I would suggest to the hon. gentleman from Amherst to move that the chairman leave the Chair and report progress, in order to give members an opportunity to ascertain the force of the objection made by the hon. gentleman from Sarnia.

Hon. Mr. DICKEY—I have no difficulty about this matter myself. There is no rule of this House or of any legislature in the

world that requires me to give notice of any amendment I have to move in committee. This is an Act to amend the Canada Temperance Act, and I have a perfect constitutional right to introduce any amendment I like. The hon. gentleman himself who has charge of the Bill has been trying to amend it here in committee. However, I am perfectly in the hands of my friends, and am willing to accept the suggestion made to move my amendment on the third reading. If the suggestion is accepted by the promoter of the Bill I will move that the committee rise and report progress.

Hon. Mr. ALMON—No one was more opposed to the Scott Act than I was. I opposed it on principle, but I do not believe, now that we have the Act, in those underhand attacks on it. If the hon. gentleman from Amherst is opposed to the Scott Act let him say so, and give us the opportunity to repeal it, and I will support him in doing so ; but I think it is an absurd proposition to cut up our counties into municipalities, and say one shall be a Scott Act municipality and another shall not. We have before us the experience of St. John and Portland. St. John was a Scott Act county, and Portland, between which and St. John there was no division, was opposed to the Scott Act, and it led to a great deal of confusion, as this amendment will if it is adopted.

Hon. Mr. HOWLAN, from the committee, reported that they had made some progress, and asked leave to sit again.

THE SENATE DEBATES.

MOTION.

Hon. Mr. VIDAL moved the adoption of the second report of the Select Committee on reporting the debates and proceedings in the Senate. He said : In moving the adoption of this report it may be as well, perhaps, that I should state that the committee was unusually largely attended, that the matter was very fully discussed, and that the report, which has been presented to the House, embodies the unanimous conviction of the committee. The recommendation is to this effect :

"That copy of the reports of debates be sent by the reporters to the Printing Bureau as fast as they are extended and transcribed, in order that a daily special and unrevised edition of two hundred copies of the debates be supplied for distribution to Senators only.

"That necessary corrections to be made by Senators to their speeches are to be done within twenty-four hours after the distribution of the special unrevised edition, and that after that time the Superintendent of Printing may print the regular number for general distribution and for the bound volumes."

I may say, in explanation, to hon. members who were not present at the committee, that very serious inconvenience and delay have been caused by the length of time which some hon. gentlemen have kept their speeches before returning them revised and corrected. This has necessitated very considerable delays sometimes in the appearance of the printed reports. It has been thought advisable by the committee to prevent this by adopting a system more nearly resembling that of the House of Commons, where no member is allowed to revise the first transcript of the notes of the speech, but only the first printed copy. I think it will facilitate the printing of the Senate debates, and we will be able to have them earlier than we have been accustomed to receive them. It is considered very desirable generally by hon. members, because you will observe that there has been some delay in the publication of the reports.

Hon. Mr. KAULBACH—I agree with my hon. friend in the object he has in view, to expedite the publication of the reports, but I think the number of copies mentioned by my hon. friend is larger than necessary. Half of the number that he states, or even fifty, would be enough, as these advance copies are only required by the members of the Senate who take part in the debates. I quite agree with my hon. friend that there has been a great delay through members going over the reporters' manuscript of their speeches and keeping the report a long time before returning it. While I agree with my hon. friend, I think that two hundred copies of the first issue is altogether more than the case calls for. The object of having the first issue is to give each member who has spoken an opportunity to correct any mistakes that he may have made. I am sure that no one would care to revise another member's speech, and therefore a smaller number of copies would answer all the purposes in view.

The motion was agreed to.

BILL INTRODUCED.

Bill (62) "An Act for granting to Her Majesty certain sums of money required for

defraying certain expenses of the public service for the financial year ending 30th June, 1892, and for other purposes relating to the public service." (Mr. Abbott.)

The Senate adjourned at 4.45 p.m.

THE SENATE.

Ottawa, Friday, April 8th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported the following Bills, which were read the third time and passed without debate :

Bill (28) "An Act respecting the Belleville and Lake Nipissing Railway Company." (Mr. Read, Quinte.)

Bill (35) "An Act respecting the Manitoba and South Eastern Railway Company." (Mr. Girard.)

Bill (24) "An Act respecting the Nicola Valley Railway Company." (Mr. Reid, Cariboo.)

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported the following Bills, which were read the third time, and passed without debate :

Bill (17) "An Act to incorporate W. C. Edwards & Co." (Mr. Clemow.)

Bill (15) "An Act to amend the Act to incorporate the McKay Milling Company." (Mr. Clemow.)

BILL INTRODUCED.

Bill (10) "An Act to amend the Pilotage Act." (Mr. Abbott.)

THE PROPOSED ADJOURNMENT.

MOTION.

Hon. Mr. LOUGHEED moved that when this House adjourns to-day it do stand adjourned until Thursday, the 28th inst., at eight o'clock in the evening. He said : In giving notice of this motion I do so, not so much of my own accord, as at the solicitation of a number of hon. gentlemen who were equally desirous with myself that there should be a reasonably long adjournment over Easter. It struck me at the time that there appeared to be a general consensus of opinion that such an adjournment should take place. I am fully aware that the first consideration we should give to a subject of this kind is how it will affect the business of the country. I do not remotely think that our own convenience should be first considered. We are here to perform certain public duties, and it is incumbent on us that we should perform them without consideration of our convenience, but on enquiry I find an opinion prevails amongst members of both Houses that there is not such an amount of business before the House of Commons for consideration as would render an adjournment such as I propose undesirable. It is therefore in consideration of the fact that the business of the country will not be prejudiced in any way by an adjournment that I ask the favourable consideration of the House for this motion. I might further say that hon. gentlemen who live at a considerable distance from Ottawa do not usually obtrude their views on the Senate in respect to adjournments, but at this particular season it has been found by many that it would be an opportune time to return to their homes for a week or so from business and other motives and under the circumstances I think the House should favourably consider this motion. I am fully aware also that the views of the First Minister should be accepted, whatever they may be, and such has been the tendency heretofore. I do not wish to obtrude the views I have expressed upon the First Minister should an adjournment be considered prejudicial to the public interests, but I ask him to consider the fact that we have done very little up to the present time, and that the prospect is that there will not be such a pressure of business as would require us to stay here for the next two or three weeks.

Hon. Mr. ABBOTT—I asked to have this motion put over until to-day in order that I might see exactly what business was to be done, concurring altogether in the remark of my hon. friend from Calgary, that our personal convenience must yield to the interest of the public. I may as well say that I scarcely find that we can, with propriety, adjourn to-night for any lengthened period. We have, in the first place, a Supply Bill which it is

absolutely necessary should be passed and sanctioned, inasmuch as the principal portion of it is an appropriation for the Houses, without which it is difficult to say how legislation is to go on. The vote was nearly exhausted in consequence of the very long session last year, and we were obliged to take a supplementary vote for it. Out of the amount which is mentioned in the Supply Bill now before the House a large portion is for the expenses of legislation, and it is really important that we should have this Bill put through as soon as possible, and sanctioned. If we were to adjourn over, as proposed by my hon. friend's motion, it would be impossible to have it done for nearly a month, and that would be a serious injury to the public business. There are one or two other minor matters which, I think, require us to consider. We have, for instance, a committee sitting on divorce, before which evidence is to be taken on Tuesday next, and the witnesses have been summoned from Calgary at a very heavy expense, probably from $400 to $800, and we could not, of course, keep those witnesses so long a time as would be covered by my hon. friend's motion. It is barely possible that that difficulty could be got over if a quorum of the committee could be got to sit on Tuesday, but that is a risk which we ought not to undertake. We have two Bills at least to be introduced on Monday in this House, and I think we shall have one or two more Bills from the lower House on Monday, so that we shall not be without business. At the same time, I have no reason to see any press of business in this House for some time. Our friends in the Commons are engaged with discussions with which we do not interfere very much, and while these discussions go on we do not expect much legislation from there. While I think we might adjourn the same day as the Commons does, on Wednesday next, we could take a longer period of vacation than the Commons is about to take, and I think it would be a better way of managing our Easter vacation. I would, therefore, ask my hon. friend to modify his motion, or let it stand until Monday, to see better what we have to do; or a new notice could be given for Monday next.

Hon. Mr. POWER—I fail to see that there is any good reason being shown for waiting until Wednesday, before adjourning. There may be some reason for waiting until Tuesday; and I call the attention of the First Minister to the fact that if we do not adjourn until Wednesday, gentlemen living at a certain distance from the Capital will not be able to reach home before Easter Sunday. There is really not anything to be lost by our adjourning on Tuesday instead of on Wednesday. With respect to the Supply Bill now before the House, that can be disposed of this afternoon, and can be assented to on Monday without any difficulty. We have passed Supply Bills involving twenty times as large a sum in half an hour in the last week of the session in previous years. There are few items to quarrel over in this Supply Bill, and we rarely discuss the Supply Bill in this House. As to the Divorce Committee, I have been informed by the hon. gentleman from Calgary that that difficulty has been got over—that a quorum of the Divorce Committee is prepared to remain. At any rate some hon. gentlemen who are members of the Divorce Committee would have to remain, and I do not think they would be so ungenerous as to insist that all the other members of the House should remain as well as themselves. It is the first time this session, and for two or three sessions, that I have said anything in connection with these adjournments, and I wish to free my mind to a reasonable extent now. We can do all the business that is to be done in three weeks at the outside, or in a fortnight if necessary, and I think it would be more to the credit of this House to adjourn over for a reasonable time so that when we come back there will be something for us to do, than to meet, as we have been doing for the last fortnight, day after day for ten minutes and then adjourn. There is no way by which we can proclaim to the country the fact that we have not very much to do better than by meeting day after day for a short time without business to consider.

Hon. Mr. ALLAN—You are advertising it now through the reporters.

Hon. Mr. POWER—My hon. friend's remark reminds me of the ostrich, who puts his head in the sand, etc. We are not to blame if we have no work to do. If the Commons do not send the work up here we have not got it to do. I see no substantial reason, as the public business will not suffer by this adjournment, why we should not have such an adjournment as can be made use of by members from all parts of the country.

Hon. Mr. KAULBACH—My hon. friend would lead the public to believe that all the work that is done in the Senate is done in this chamber. He forgets the amount of work that is done in committee. I was summoned to three committees yesterday and could only attend to one. There is a large amount of work to be done in the House outside of what is done in this chamber, and when my hon. friend would lead the country to believe that our meeting here is all the work we have to do, it is not a fair representation of the facts. I am surprised that my hon. friend should urge his views in opposition to those of the leader of the House on this question. Everybody knows that the Premier is desirable, as far as possible, to meet the views of the House, and when he says that we cannot adjourn consistently with the business of Parliament until next Wednesday—though I am opposed to all adjournments—it would be better to let this motion stand over until then for consideration. In my opinion these motions for adjournments should not come up in this way. The indemnity should be changed and members should be paid only for every day they sit, and then there would not be so many of these motions brought before the Senate.

Hon. Mr. LOUGHEED—I am willing to accept the suggestion of the hon. First Minister, but if he could feel it convenient to accede to the wishes of the members from the Maritime Provinces to adjourn on Tuesday I think it would be better. With the permission of the House I would ask to have my motion stand until Monday.

SUPPLEMENTARY SUPPLY BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (62) "An Act for granting to Her Majesty certain sums of money requred for defraying certain expenses of the public service for the financial year ending the 30th June, 1892, and for other purposes relating to the public service." He said: This is a provisional measure for the appropriation of money required for certain expenses, most of which are of an urgent character, and some few of which are not, but they were taken, I presume, in their order in the other House. The greater part of this amount is for expenses of legislation and the like, which become necessary in consequence of the large expenditure during the very long session we had last year.

Hon. Mr. POWER—Looking at this Supply Bill for the first time, I find that it contains one or two items of which I was not aware, and as to which I think the House is entitled to some explanation. The very first items under the head of Civil Government refer to the Department of the Interior. The first item is to pay the salary of the chief clerk from the 1st November, 1891, to the 30th June, 1892, at $2,800 a year. As I understand it, this chief clerk is the gentleman who was the Deputy Minister of the Interior until last session, when, in consequence of revelations of the manner in which the business of that department has been conducted by himself and his subordinates, he was degraded from the position of Deputy Minister and made chief clerk, with a salary fixed at $2,400. The proposal is now to pay him at the rate of $2,800, instead of at the rate of $2,400. That seems to me to be a change which at any rate deserves attention. The next item is to pay the following clerks' salaries, which they did not receive while under suspension: K. J. Henry, $285.48; L. C. Pereira, $183.87, and H. H. Turner, $150.66. These clerks, some of them at any rate, were shown during the enquiry which took place before the Public Accounts Committee of the other House last session to have been guilty of very grave irregularities, one of them in particular of irregularities which involved an offence that was almost such as if prosecuted in a court of justice would have brought the offender into a boarding house where he would have had very limited room for exercise for a considerable time. The decision of the Government, as made known to Parliament last year, was that these officers should be suspended. Now, Parliament is called upon to pay those officers for the time during which they were walking about and amusing themselves; they were not at work at all. The Government asks Parliament to give away the public money of this country to men who have been found guilty of wrong-doing—to pay them for the time that they spent walking about and doing nothing for the country. If the Government were right in the decision which they came to last session, they are wrong in the proposal that they bring before the House to-

day. I do not propose to discuss this matter, because, as I say, I was not aware that these items were in the Bill until I looked at it just now; but I think it necessary for the leader of the Government, in moving the second reading of this Bill, to revise the opinions which he expressed in this House last session. Then he was prepared to punish in the most exemplary way everyone, great or small, who was found guilty of any sort of wrong-doing. Now, he proposes to reward men who have been guilty of manifest wrong-doing, although possibly of a not more serious character in the case of some of the clerks. One does not care to enter upon debatable matters or matters involving party politics, but I may be allowed to hazard the opinion that if the result of the bye-elections in the Province of Ontario had been different we should not have had these items in the Supply Bill.

Hon. Mr. ABBOTT—I am certain that if my hon. friend had known of these items being in the Bill, and had taken a little time to examine into the facts, he would not have made the statements we have heard just now, which, if he had known the facts, would have been exceedingly uncandid; but, as he did not know the facts, I acquit him of any intentional misrepresentation. The hon. gentleman has quoted the statement that I made last year, that I was determined to punish those guilty of offences, whether great or small, and I am pleased to be able to say that the facts connected with these four cases indicate, not that the Government have failed to carry out that promise, but that the Government did carry it out, doing so in a manner which they consider was fair and right towards those who were guilty of irregularities. The facts with regard to these four cases are these: As everyone knows, there was an enquiry last year before the Public Accounts Committee, into all manner of things, almost from the beginning of the world, as lawyers would say, to the present time; and, amongst other things, traces were discovered of irregularities in the Department of the Interior, which led to a further enquiry, and some six or seven (if I recollect right) clerks of the Interior Department were shown to have been guilty of irregularities. These men were immediately suspended on the evidence given before the Public Accounts Committee. They were suspended from their functions by an Order in Council, or by the orders of the head of their department, and a sub-committee was appointed to inquire more particularly into the facts of these men, than was possible in the turbulent atmosphere of the Public Accounts Committee. The sub-committee thus appointed did not content itself with investigating the cases of the half dozen men who were brought up in the Public Accounts Committee; they took up the entire business of the Department of the Interior; examined into the character, conduct and behaviour of every clerk in that department; ascertained, by reference to the accounts, by reference to the records, and by other means at their disposal, with the assistance of the Minister of the Interior, the irregularities that had really been going on, and they found, I think, that there were 64 cases in which clerks in that department had been guilty of irregularities similar to the half dozen that were discovered in the Public Accounts Committee. These irregularities had been going on from 1875.

Hon. Mr. POWER—No.

Hon. Mr. ABBOTT—The first one, I think, as in 1874. They have been going on from that time until last year. They consisted in this, that while the Civil Service Act prohibited giving to permanent clerks any extra work that was required to be done by the department, it did not prohibit such work being given to temporary clerks or to outsiders. And the permanent clerks being desirous of being allowed to do this extra work in their spare hours, set about discovering a mode by which they could obtain this work and be paid for it. There is no doubt whatever that this was a gross irregularity, and if it had occurred in the case of these three or four men only, they would probably have been dismissed, but for sixteen years, commencing with the second year of the Mackenzie Administration, these irregular proceedings had been going on.

Hon. Mr. POWER—Will the hon. gentleman excuse me; inasmuch as the Civil Service law was not in operation in 1875, these irregularities did not exist.

Hon. Mr. ABBOTT—This particular Civil Service Act was not then in existence, but whether by law or by Order in Council, this rule was in force, that permanent clerks should not be allowed to do extra work. But investigation of the closest kind developed the

fact, that in no single instance during this whole period, had one cent been paid out by the Government that had not been earned. The only irregularity was, that the money had not been earned by the proper persons. It had been earned by the permanent clerks, who had no right to be paid under the law, and they got paid for it, which ought not to have been the case. Now, during the whole of that period, it became perfectly obvious, that it was a well understood divergence from the rule; it had become a custom, as it were, in the department, and no one seemed to discourage it. It was not thought of; it went on without any interference and, so far as could be discovered, it produced no harm whatever. It did not inflict on the country the loss of one single dollar, and it was only culpable inasmuch as it was a violation of a rule, a violation which had gone on, apparently, with a kind of tacit sanction, for sixteen years. Under those circumstances, the Government did what I think every member of this House would have done. The Government decided that this was an irregularity which could not be passed over, but, inasmuch as no injury had been done, no loss had accrued to the country, no person receiving this money—at least none of the persons to whom I now refer—had been guilty of any dishonesty in taking money which they had not earned, they thought it would not be just and proper to dismiss these men, many of whom had been for years in the service, many of whom were married and had families, for irregularities causing no pecuniary loss to the Government, involving no fraud, and which had prevailed for fifteen or sixteen years under both Governments. They concluded that the proper way to deal with the case was to punish these men by a heavy fine inflicted upon them, which they thought was sufficiently severe to meet the offence, and they did so. They mulcted every one of these clerks who had ben guilty of an irregularity of this kind in ten years, I think—some thirty or forty—a month's salary; that is to say, they fined every one of these clerks one-twelfth of his annual income. That was a severe punishment to persons living on small salaries, many of them with families; and after most careful deliberation, we came to the conclusion that that would be an adequate punishment for these irregularities, taking into account, of course, the fact that they had prevailed so long, and the fact that no loss had been entailed on the country by their occurrence. But in the meantime these half-dozen clerks, who had, in the first place, been pointed out to the Public Accounts Committee, had been suspended by this Government, and when the investigation was concluded, it was found that at least three of them were no more guilty than any of the other sixty-one whose misconduct had been discovered from the records of the Department. Then came this question: were these men, because of the accidental fact of being the first found out, to be punished by the loss of two months' of their salary, when the other sixty-one, or whatever the number was, were punished only to the extent of the loss of one month's salary? Surely the fact that they being precisely on the same plane of guilt, and with the same extenuating circumstances as their comrades, should not be punished more than their fellows, merely because it happened that the Public Accounts Committee had accidentally pitched upon these four or five men, instead of any other four or five men of the sixty-four to whom I have referred. Every one will agree with me—the hon. gentleman who raises this question will agree with me—that if these three or four men were not more guilty than their comrades, they should not be punished any more severely, merely because they were the first whose irregularities were discovered. That would be the sentiment of every man, having a sense of justice, and a consideration of some principle in punishing persons guilty of any offence. So that the Government determined that these men should also be fined one month's pay, like the other men who had not been discovered by the Public Accounts Committee; but that the loss which they had sustained by being suspended should be returned to them; because, although it is quite true that they were not working during the time of their suspension, it was not by their own will that they were idle. They were desirous of working, but it was by the order of the Government that they were prevented from working, and if the Government prevented them from earning their pay it seems to me there could be no question, finding that they were no more guilty than their comrades, that they should not be punished more than their comrades, and that the difference should be returned to them. In other words, to these sums now asked for represent the time that these men were compulsorily inactive

under a suspension which the Government ordered, while they paid the fine of a month's salary, as all the remainder of the clerks who were comrades of theirs in the department had paid it. The granting of these sums will place these men in exactly the same position as the other clerks guilty of the same offences and subject to the same extenuations. On what principle of justice could we make these men pay two or three hundred dollars more than their comrades, they being no more guilty than their comrades ? I think the sense of justice of this hon. House will be unanimous in holding that the only course open to the Government was to make these men pay the fine which was paid by their own comrades, but to return them the loss they had sustained pending their suspension. With reference to the Deputy Minister, Mr. Burgess, his offence was very similar to that of the others, but being in a position of greater responsibility, it being in fact his duty to prevent irregularities and to see that they were not committed, rather than to commit them himself, it was thought that he deserved a more severe punishment than the others. He held the office of Deputy of the department ; he was degraded from that office ; his salary was $3,200 ; the committee recommended that the sum of $400 a year be deducted from his salary, so that he was degraded from the office of Deputy of the Department to the office of Chief Clerk of the Department, and his salary was reduced by the sum of $400 a year. The reason for an application to the House to make a grant for the purpose of paying Mr. Burgess a portion of his salary was simply this : that under the ordinary rules the maximum first-class clerk's salary was $2,400. To have reduced him to that would have been to have fined him $800 a year, or one-fourth of his whole income. That was thought too severe a punisment, and it was recommended by the sub-committee, and decided by the Government, that they would ask Parliament for an amount sufficient to make up the difference between the $2,400, which he could receive under the Order in Council as first class clerk, and the $2,800, which it was thought constituted a sufficient reduction of his salary. That is the reason for the first vote which I found in this Bill. Now, I do not think I need say any more on this subject. If my hon. friend had known of these facts I do not think he would have made any objection to these votes. I do not see very well how he could have known them, but now that I have informed the House, I hope that every hon. gentleman here will be satisfied that the Government has done its duty in this respect ; it has acted with moderation, but with justice. These men committed irregularities, and they were sufficiently punished in the opinion of the Government, and, I hope, in the opinion of every hon. gentleman who hears me. With regard to the grants for the payment of salaries during the period of suspension, it was by no fault of theirs that they were suspended ; they have paid the fine which was imposed on their fellow clerks for the irregularities they committed, and I see no reason why they should be subjected to heavier punishment than was inflicted on their comrades.

Hon. Mr. POIRIER—I would like to ask the hon. Premier if that is the creation of a new office, the fact of appointing Mr. Burgess as chief clerk ?

Hon. Mr. ABBOTT—No ; the first clerk is a well understood office in all the departments, and there has been no new office created for Mr. Burgess.

Hon. Mr. POIRIER—In that case we are to understand that the person who was chief clerk would likely become Deputy Minister ; otherwise if a Deputy Minister is appointed from the outside it would amount to the creation of a new office in the department, carrying a salary of $2,800 a year.

Hon. Mr. ABBOTT—My hon. friend must perceive that in a department like the Interior there are many changes always being made. There is a certain allowance of clerks of every grade to each department. That is arranged and decided upon by the Council every year—that is to say, that a department may have so many first, so many second, and so many third-class clerks. They cannot go beyond that. In this instance the rule was not violated. In fact, I know the rule is never violated. If more clerks are required it necessitates a certain process—I forget what it is called—but the allowance of clerks in each department is increased by special Orders in Council. That was not necessary in this case. Very often vacancies are not filled for years—sometimes clerks are not entitled to promotion by seniority or by qualification, or the office is not filled for some other cause. Whatever

may be the fact as to that, I can tell my hon. friend that no new office was created for this gentleman, and that no new or further burden was imposed upon the department than was necessary.

Hon. Mr. KAULBACH—How much has the Deputy Minister lost by reason of his irregularities ?

Hon. Mr. ABBOTT—He has lost $400 a year and his position as Deputy Minister.

Hon. Mr. POWER—To which there is nothing to hinder him being appointed in a very short time.

Hon. Mr. ABBOTT—There is nothing to hinder anybody from being appointed. My hon. friend might be appointed for that matter.

Hon. Mr. POWER—Not under this Administration. The hon. gentleman said he had no doubt I would be perfectly satisfied with the explanation he gave. I regret to say that his expectations have not been realized. The hon. gentleman put the very best face on the action of the Government which could be put upon it. No one knows better how to do that than the leader of the Government ; but there were one or two points which the hon. gentleman did not deal with. The hon. First Minister said that irregularities of this sort had taken place at different times—in fact I think he said continuously since 1875.

Hon. Mr. ABBOTT—Yes.

Hon. Mr. POWER—There has been a change in the law since then, and I think that I am perfectly safe in saying that irregularities of this particular character, which have been proved against some of these clerks, had not been committed until much later than that—in fact, not until after the passing of the present Civil Service Act. I think the hon. gentleman will look in vain for cases arising under the Mackenzie Administration where clerks had forged the names of other persons to statements and receipts. That is the point. The hon. gentleman speaks of these things as "irregularities." I feel myself, if my opinion were asked about it, that if extra work had to be done in the departments, extra work which calls for skilled workmen, no one probably is as well qualified to do that work speedily and satisfactorily as the permanent officers of the department. I quite agree with that, and if the only irregularity was that certain work had been done by permanent officers of the department in violation of the Civil Service Act I should not be disposed to say anything about it ; and while I should have felt that the Deputy Minister was to blame for allowing the law to be violated without acquainting the Government of the fact, I should not have felt that the clerks deserved any serious punishment at all. But the thing which has drawn attention to those irregularities in the Department of Interior is not the mere fact that certain sums of money have been paid to permanent clerks contrary to the regulations of the department, but the fact that some of these clerks have committed what is technically forgery. One of the men who is to receive money under this Bill had been guilty of what I presume in any criminal court would have rendered him liable to conviction for forgery. I think it is a very serious thing to hear the leader of this House get up and talk of that being "a slight irregularity." If that is a slight irregularity what is a serious irregularity ? Under the circumstances, to allow a man who was guilty of an act of that sort to remain in the public service at all is tempering justice with a great deal of mercy ; but when it comes to letting him escape with the small deduction of one month's pay from his salary, it is carrying mercy too far.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. ABBOT moved the second reading of the Bill under suspension of the rule.

The motion was agreed to, and the Bill was read the third time and passed.

The Senate adjourned at 4.30 p. m.

THE SENATE.

Ottawa, Monday, April 11th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

CANADA TEMPERANCE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (6) "An Act to amend the Canada Temperance Amendment Act, 1888."

(In the Committee.)

Hon. Mr. VIDAL—I presume the first question to be settled is the point of order I raised. The amendment proposed is, in my judgment, entirely out of order.

Hon. Mr. DICKEY—The amendment that has been spoken of, and the point of order are both important. You are aware, I suppose, that under the rule the chairman has the discretion to refer the point of order to the Speaker—in other words to the House—and I should like to know whether the chairman is disposed to refer it to the House for decision by the Speaker, or to settle it himself, in which case I should like to put forward my views on the point of order.

Hon. Mr. HOWLAN—I have looked into the question and am prepared to give an opinion on it.

Hon. Mr. DICKEY — Before the point of order is disposed of, I should like to call your attention to the position of it, and give the reasons why the point of order should not be maintained. The point of order taken was that this clause, which I propose to add to the Bill, is not material to the Bill itself, which is to amend the Canada Temperance Act Amendment Act, and that it was contrary to the title of the Bill, which is an Act to amend the Canada Temperance Act. I am prepared to submit authorities on both those points.

Hon. Mr. HOWLAN—In my opinion it cannot be received as an amendment. It is a new clause.

Hon. Mr. BOTSFORD—Perhaps the hon. member from Amherst will take this course: as the point of order must be decided by the Speaker, he should move that the committee rise and report progress, and then the hon. gentleman can give his reasons why the amendment was not in order, but to give his authorities now, it seems to me, would be taking unnecessary time, as they would have to be given again with the Speaker in the Chair.

Hon. Mr. HOWLAN—The matter is in the hands of the House.

Hon. Mr. BOTSFORD—The reason I propose that the hon. gentleman move that the chairman leave the Chair and report the point of order for the consideration of the Speaker is that it will save him the necessity of going over the question twice.

Hon. Mr. DICKEY—It would be a great convenience to have the question referred to the Speaker.

Hon. Mr. HOWLAN—Then move that the committee rise.

Hon. Mr. MILLER—Did I understand the chairman to say that he considered the amendment out of order ?

Hon. Mr. HOWLAN—I say that this is not an amendment—it is a new clause.

Hon. Mr. MILLER—I simply wanted to know whether I understood the chairman to say that this amendment was out of order ?

Hon. Mr. HOWLAN—I did not say the amendment was, but I say that the clause is not in order, being a new clause.

Hon. Mr. DICKEY—This is an amendment.

Hon. Mr HOWLAN—No ; not in my judgment.

Hon. Mr. VIDAL—If the hon. member from Amherst will take a suggestion from me it would simplify matters ; why not allow the committee to report the Bill, and bring the matter before the House at the third reading ?

Hon. Mr. MILLER—I think the suggestion of the hon. member from Sackville is a good one.

Hon. Mr. DICKEY—The rule is laid down in Bourinot, at page 483. Speaking of proceedings in committee, and quoting the rule that questions of order arising in com-

mittee are decided by the chairman, he says : "If it be found expedient in either House to refer the point of order to the Speaker, the member will move that the chairman report progress, and ask leave to sit again that day." That is the course suggested in Bourinot, and it was with the view of not duplicating the proceedings, so to speak, that I suggested that the chairman take that course. I think it would be a convenient one.

Hon. Mr. HOWLAN—Make a motion.

Hon. Mr. DICKEY—I will move that the chairman leave the Chair and report progress, and ask leave to sit again to-day and report the point of order to the Speaker.

Hon. Mr. ABBOTT—I would suggest that it would save our time and a great deal of trouble if my hon. friend would accept the suggestion made by the hon. member from Sarnia, viz. : that the Chairman report the Bill, and thereupon my hon. friend might move his amendment as a rider to the Bill on the third reading. Then nobody could object, except on the merits, and it would save all trouble about the point of order.

Hon. Mr. DICKEY—If it is understood that that course is to be taken, and the only question before the House is to be the adoption or rejection of these amendments, of course there would be no question of order then to be decided.

Hon. Mr. VIDAL—As the hon. member from Amherst consents to it, I move that the Chairman report the Bill without amendment.

Hon. Mr. HOWLAN, from the committee, reported the Bill without amendment.

Hon. Mr. VIDAL moved that the Bill be now read the third time.

Hon. Mr. DICKEY—In amendment to that motion I beg to move that the said Bill be not now read the third time, but that the following clauses be added thereto as clause three and clause four. The first clause is :—

"Notwithstanding anything contained in chapter 106 of the Revised Statutes and the Acts in amendment thereof, whenever a portion of a county has heretofore been separated, or is hereafter separated for municipal purposes from the remainder of the county, and has heretofore been or is hereafter created into a separate municipality under an Act or Acts of the Legislature of any of the Provinces, the qualified electors of such separate municipality shall have and enjoy the same rights and privileges of petition and voting for the adoption of a petition to the Governor in Council for an Order in Council to bring into force in such separate municipality the second part of the Canada Temperance Act and for the adoption of a petition for the revocation of any such Order in Council applicable to such municipality as are now or may be exercised by the electors of any county or city by virtue of the said Act or any Act in amendment thereof, and each and all of the provisions of the said Act and amending Acts shall apply *mutatis mutandis* to every such petition and to proceedings to be taken thereon, and the powers to be exercised and the offences to be committed and the penalties incurred in the course of and connected with such proceedings in the sme manner and to the same extent as if such separated municipality had been included in the interpretation clause of said Act."

There is a provision also that the Canada Temperance Act, chapter 106, section 97, applies to cases under the old Province of Canada. The Temperance Act of 1864 was in force and the Canada Temperance Act, by the 97th section, gives the same power to repeal a by-law that was passed in conformity with that Act, which really amounted to the same purpose or end as the adoption of the Scott Act, and it is for the purpose of making this applicable to such cases that I would add another clause. The two run together, and it is to this effect :—

"Hereafter in any municipality separated as aforesaid, where the Temperance Act of 1864, enacted by the Legislature of the old Province of Canada, is or shall be in force, proceedings may in like manner be had and taken under section 97 of the Canada Temperance Act for the repeal of any by-law passed under said section as in the said section may be provided."

The questions are substantially the same and have both arisen out of the proceedings of the Canada Temperance Act. I do not know that I am required to enlarge on this matter because I have already stated my views at length. I introduce this as a proceeding entirely in accord with the spirit and intention of the Canada Temperance Act, and as following the same line of procedure ; that is to say, that in the case of cities which are separated for the purpose of that Act from the remainder of the county, in such cities the ratepayers are allowed to adopt or reject the Act. I simply wish the same procedure shall be applied to the cases of incorporated towns which have been separated for municipal purposes

from counties by Acts of the Legislatures of the different Provinces. The question is a simple one and the procedure is precisely the same. These municipal towns were originally, perhaps, and even within so short a time as fourteen years ago, when this Temperance Act was enacted, of little account, but from various causes they have since grown to such proportions that the Legislatures of the different Provinces have separated them for all municipal purposes from the counties. There may be a county in which the Scott Act is not in force at all, and in that county there are large towns assumed to contain, as I urged the other day, some small proportion of the intelligence and virtue of the county. In these towns they have no power to free themselves from the condition in which they are, and they are bound to remain without the power of bringing the Scott Act into force for their own protection. On the other hand, there are cases where the Scott Act is in force, and if the people in those towns, as the people in cities sometimes do, desire their section of the county to remain as it is, and not come under the protection of the Scott Act, this would give them the power to express that opinion in the usual manner, strictly in conformity with the proceeding pointed out by the Canada Temperance Act. I do not see how it is possible that there can be any objection to that by persons who advocate the Scott Act, because it is going a step further in the direction of temperance than the Scott Act itself does. It goes a step towards the larger and wider question of local option, which is now the test question in England upon this subject. I was unprepared for the opposition of my hon. friend from Sarnia, who assumes to represent here the prohibitory feeling in this branch of Parliament, and I certainly was not prepared for his raising a question of order to prevent it from being submitted at all. This question was raised a few years ago in this Parliament, and it is a singular thing, although it touches more on the point of order than on the merits of the case, this question with regard to druggists was an added clause to the Act in the amendment of the Canada Temperance Act, so long ago as 1885, and it was passed then. I think, under the circumstances, I am entitled to the opinion of the House that these two clauses, which are substantially one, should be added to the Bill to give free scope to the operation of the Act, and to enable parties who are situated very much as they are in cities, where they are now allowed under the Temperance Act to free themselves from or to put themselves under the Act, to have the same privileges.

Hon. Mr. McMILLAN—I would like my hon. friend to tell me, from the reading of this amendment, where we can learn that this local option stops at towns? From the wording of the clause I think it will extend to towns, villages and other municipalities.

Hon. Mr. DICKEY—That is a question of wording. I have not the advantage of knowing all the details of the municipal organizations of the different provinces. I am speaking more of the lower provinces in regard to that, and it is only intended to extend this option to towns incorporated for municipal purposes.

Hon. Mr. ALLAN—Would it not apply to townships?

Hon. Mr. DICKEY—As my hon. friend has raised the question, I beg to tell the hon. gentleman from Glengarry that I am not familiar with the municipal organizations of Ontario; but the promoter of this Bill knows perfectly well that in the Province of Ontario they have now the power, by an Act passed only last year, in these separate municipalities to accept or reject the old Temperance Act of 1864.

Hon. Mr. McMILLAN—Local option?

Hon. Mr. DICKEY—Yes, local option; and why this objection is raised to my amendment is more than I can understand.

Hon. Mr. HOWLAN—I may perhaps be permitted to give my reasons why I did not see my way to receive the hon. gentleman's new clause in committee. In 1878 there was passed the Temperance Act; in 1888 there was passed the Canada Temperance Act Amendment Act. Now, that second Act is merely a domestic arrangement as to how liquors shall be sold by the druggists or by other parties authorized to sell. Then comes this new Bill, which is a continuance of that Act which is called "An Act to amend the Canada Temperance Amendment Act." If this Bill had been to amend the Canada Temperance Act my hon. friend would have

been perfectly in order; but the ground I took was that this was not an amendment. Any hon. gentleman can move an amendment to a Bill at any stage of it, but he cannot move a new clause without giving notice. What is the reason? The reason is, the House must be seized of the information upon which it is going to act, and inasmuch as this was not an amendment, but a new clause, and was not germane to the Bill before the House, I could not therefore receive it; but the hon. gentleman was quite in order to move it on the third reading, and I will give my hon. friend my reason for the position I took. May says that an amendment must be coherent and consistent with the Bill. Now, this Bill is for the purpose of saying how liquor should be sold, whilst my hon. friend's amendment states that an additional class of people shall sell liquor. Again, "No amendment should be admitted that is of the nature of a previous question." This is a previous question: it was decided in 1878 that only a certain class of people should have the power to bring that Act into operation. What people? The people of incorporated cities and counties. This amendment would give power to an entirely different class of people. Again, "A new clause, however, will not be entertained if inconsistent with any other clause agreed to by the committee." Every other clause of the Bill is totally different to the amendment. Then again, "No amendment will be allowed which is inconsistent with the provisions of the Bill as already agreed to by the House." The House had agreed to the Bill up to the title. Again, at page 610 it is provided that when a Bill is simply a continuation of an Act in force, an amendment which is inconsistent with it should not be allowed. On these authorities I formed my opinion. For fear I might be wrong in my judgment, I submitted the question to Mr. Bourinot, and he said that I was quite right.

Hon. Mr. DICKEY—Is there a question of order raised?

Hon. Mr. VIDAL—No.

Hon. Mr. DICKEY—I do not know whether I should take time to answer my hon. friend's argument, but I am in a position to give a most decided answer.

Hon. Mr. POWER—I thought my hon. friend from Alberton rose to raise a point of order.

Hon. Mr. VIDAL—Only to give an explanation.

Hon. Mr. POWER—Inasmuch as it is very desirable that the House should be informed on this question of order, which is a very important one, and not because my sentiments are hostile to the amendment proposed by the hon. gentleman from Amherst, but simply that we may have the hon. gentleman's argument on the question, and the ruling from his honour the Speaker, I raise a question of order. I object to these amendments on the ground that they are not germane to the Bill before the House.

Hon. Mr. DICKEY—I hope I have never—at all events I try never to take up the time of the House unnecessarily, and as I consented to the course that was recommended by the leader of the House with the understanding that there was simply to be the question of the adoption or the rejection of the amendment and not a discussion on a point of order, I did not deal with the point of order at the third reading, but I wish to protect myself by saying that I have a complete answer to the hon. gentleman's argument.

Hon. Mr. POWER—I have raised the point of order for the purpose of allowing the hon. gentleman to give his reasons, and the ground that I took is that these amendments are out of order, because they are not germane to the Bill before the House.

Hon. Mr. DICKEY—That is the question that was raised before the committee, and which it was agreed should be dropped.

Hon. Mr. POWER—I was not a party to any agreement, and I did not hear that there was any agreement.

Hon. Mr. DICKEY—I came to the third reading of the Bill with that distinct understanding.

Hon. Mr. POWER—If their was an understanding I withdraw the objection.

Hon. Mr. VIDAL—I differ very widely from my hon. friend from Amherst with respect to the effect of the proposed additional clause to the Canada Temperance Act. While he thinks it is an extension of the principle we temperance people advocate I contend that the insertion of that clause in the Bill would utterly destroy it and render it perfectly useless for

the object that the temperance people had in view in obtaining that measure from Parliament. The hon. gentleman has taunted me with assuming to be the mouthpiece of the temperance people of the country. It was done very quietly and in a very gentlemanly manner, but underneath all the quietness there is what is intended to be a very keen thrust. I accept the charge fearlessly, and by the fact of my being chosen by a large gathering of prominent temperance workers of this country, and for seventeen years annually elected as the head of the Dominion Prohibition Alliance, surely I have a right to assume that I speak the sentiments of the temperance people. Familiar as I certainly am with their views and desires, as I have been acting in company with them for this long term of years, I accept the position and I do assume on this matter to be speaking the sentiments of the temperance people of this country—the advocates of prohibition. I would remind the hon. gentleman that prior to the passage of the Temperance Act in 1878 the Dunkin Act of 1864 was in force. Under that Act towns and incorporated villages and townships had the opportunity of passing a prohibitory law within their own limits. This was well known to the compilers of the Canada Temperance Act of 1878; it was well known to both Houses of Parliament who adopted that measure, and it was after long and mature consideration that the change was made, taking from these small municipalities the power of prohibiting the traffic and confining it to the larger ones of cities and counties. Hon. gentlemen will see the vast difference between the Act as it at present exists, where it requires a very large number of the electors to express their views in order to bring the law into force, and the position in which it would stand if the amendment were adopted giving the power to small communities. It would be exceedingly inconvenient, but if right I would suggest that the hon. gentleman does not go far enough with his amendment. Every argument for giving this power to towns would surely apply to villages also. Where is the distinction between the "few wise and good men to be found in a town" and "the few wise and good men" to be found in a village? Why make a distinction between a town and a village? Can any good reason be advanced? It certainly cannot, and we may as well look at the question in that extended shape. If the privilege is to be given to towns and villages see what confusion would be caused. Let me remind the hon. gentleman that the proposed plan would be impracticable, and I will show you how. The law of 1878, which is the basis of all the action to be taken, requires that the petition for bringing the Act in force should be signed by one-quarter of the electors—meaning electors for the Dominion Parliament—in the county or in the city. Now, how would it be possible for anyone to know in a town whether one-quarter of the electors signed the petition? There is no town list of Dominion electors. There is a voters' list for the county and the county includes the town. Who could give the certificate required for the information of the Governor in Council that the petition was signed by one-quarter of the electors of any of these towns? No authority could give it, for a town list does not exist nor is there any provision in the law for making a voters' list which would show the Dominion electors residing in the town separate from those in the county. This alone would be sufficient reason for refusing to adopt the amendment, but my principal objection is that it would be contrary to the expressed desire of the hundreds of thousands of petitioners who last session deluged us almost with their petitions for a prohibitory law. I can speak for them because I know their views, and I am sure that they would feel as I do that the adoption of a clause like this would virtually destroy the Canada Temperance Act. I entirely agree with the junior member from Halfax when he says that if you wish to repeal the Act it would be better to do it in a straightforward way rather than to try to destroy it in the quiet, underhand way of introducing an apparently innocent amendment which would result in the complete destruction of the usefulness of the Act. I trust the House will see that it is right and expedient, and in harmony with the wishes of the great temperance body of this country, to reject the amendment.

Hon. Mr. BOTSFORD—I do not think my hon. friend has done justice to the hon. gentleman from Amherst. I do not think he has any wrong motive whatever in proposing these amendments.

Hon. Mr. VIDAL—I did not attribute any motive.

Hon. Mr. BOTSFORD — The hon. gentleman says it is an underhand way of getting rid of the Canada Temperance Act. So far as the views expressed by the hon. gentleman from Amherst are concerned, I have heard nothing to sustain the idea that he is making a covert attack on the Canada Temperance Act. He resides in a town which manages its own affairs—a town which is a separate corporation making its own by-laws, and he thinks that the town should have the privilege of accepting the Canada Temperance Act if the majority of the inhabitants so desire. I must say that I have not seen any symptom exhibited by my hon. friend of a desire to do away with the Canada Temperance Act.

Hon. Mr. VIDAL—If my remarks would make such an impression as that, I wish it clearly and distinctly understood that I make no such charge against the hon. gentleman. I merely spoke of it as the destructive effect of the clause which he considers an improvement to the law.

Hon. Mr. SCOTT — When from 1873 to 1878 Parliament was appealed to by a very large number of the respectable people, at all events, people of this country, who are considered to have some standing, and whose object was the improvement of society from their standpoint, it was argued that the Act of 1864 was unworkable in consequence of its being limited to narrow areas. It was allowable to bring it into force in townships, towns and villages, and was consequently found to be absolutely unworkable. After very considerable discussion, this Chamber giving up three or four weeks to the discussion of the subject, Parliament decided that the objection urged against the Dunkin Act was sound, and it was only fair, if the temperance people were to have an opportunity to test local option, that they should have larger areas. The Temperance Act sets out with the interpretation of "county." It includes all towns and villages within what is known as an electoral division. That is the very basis of the Act, and the machinery for working it and bringing it into operation is predicated on that basis. Now, it is proposed by my hon. friend from Amherst to introduce an amendment, disturbing the whole arrangement of the Act and going back practically to the Dunkin Act of 1864, which was found to be unworkable. I doubt whether, if the amendment proposed by my hon. friend were adopted, there would not require to be machinery provided to enforce it. I do not think it is capable of being carried out under the machinery provided by the Act of 1878, inasmuch as that is all made to apply to electoral divisions. It would be a very great mistake on the part of this House, after having given so much time and attention to the Canada Temperance Act, to now take away the sub-structure from it. Practically the very foundation would be cut from under it, because, as I said before, it was after due deliberation that Parliament—this House more particularly—decided that it was only right and proper to fix the areas at what are known as the electoral divisions. There was a very strong feeling that the areas should be larger than those named, but after a good deal of discussion these were the limits that were finally fixed. The Act differs very much from what is known as the Local Option Act of Ontario, inasmuch as that is only partial, affecting the question of licenses. The Canada Temperance Act goes very much further. I do not suppose that the Ontario Act could disturb sales of liquor in quantities of five gallons within the limit if a municipality. It affects more particularly the issuing of licenses for taverns. It has not the scope of the Canada Temperance Act. I think the House would regret if the Canada Temperance Act were repealed, particularly in this indirect manner. I think the country would be disappointed. It was suggested by an hon. member that if the intention is to repeal the Act the fair way to go about it is to bring up the question of repeal, and deal with it on that basis. The effect of this amendment would be to so disturb the machinery that I do not see how the Act could be carried out.

Hon. Mr. ABBOTT—This amendment really appears to me, as my hon. friend who has last spoken says, to be perhaps not a fatal blow to the Canada Temperance Act, but certainly a very severe blow, and one which, I think, in a great many instances, would practically render the local option, which we have given to the people of this country, by the Canada Temperance Act, utterly useless and unavailable. Now, I understand the position of matters under the Dunkin Act was, that any municipality could adopt this local option. That proved to be useless. Really the Dun-

kin Act produced, according to my experience more harm, in any case that I have fallen in with, than good ; because the facilities of violating it were so great, the supervision which was exercised over violators of it so small, that, instead of a protection against the excessive use of intoxicating liquors, it placed the sale of them in the hands of perfectly irresponsible persons. The little supervision that we had over taverns, and places licensed to sell spirituous liquors, was entirely lost, and it came to be the resort of all the disreputable people in such municipalities to take to the selling of liquor surreptitiously, and secretly, and, I may say from my own experience, the results were very bad, indeed. Evidently in passing the Canada Temperance Act, as Parliament has done, it was supposed that we could overcome, to some extent, this difficulty by making the area larger, and I think it has that tendency. My hon. friend would return, by his amendment, to the state of things existing under the Dunkin Act pretty nearly, because he is providing that every incorporated town—I think he confines it to towns—either so incorporated before or after the present date, should have the the right of local option to itself, while the Canada Temperance Act confines the right of local option to the electoral divisions as nearly as possible. The description in the Act corresponds with electoral division—cities or counties having the right to return a member of Parliament. Now, what would be the effect of my hon. friend's amendment ? To illustrate it, I prefer to speak of a case which I know of, and which is present before my mind, of the working of this Act, with the amendment proposed by the hon. gentleman from Amherst. In the county which I had the honour to represent for over a quarter of a century, was a small town with a population of 1,300 or 1,500 people, so situated in the centre of the county that all the parishes in the rear of the town resorted to it for trading purposes, and I should say that nearly half the population of the county reside in these parishes. If my hon. friend's motion were adopted, this town would have the right to refuse local option, though the county of Argenteuil might adopt it, as it did some years ago. What would be the consequence ? The local option adopted by the surrounding parishes, with a population numbering 15,000 or 30,000, would be neutralized by the votes of this small town in the middle of the county, because the town would simply be the resort of all those who wished to buy liquor and use it, and prohibiting the use or sale of liquor in other portions of the county would be useless. It is not so far from the outskirts of the county that every person in it could not go there when he wanted to indulge in drinking ; and naturally when the people came in for trading purposes there would be a temptation before them to drink, so that this amendment, if applied to the county I refer to, would simply if that small town in the centre refused to adopt local option, have the power of neutralizing altogether the effect of the Canada Temperance Act, and so open the sale of intoxicating liquors to the surrounding parishes notwithstanding the fact that the people of the county had voted against it. This is reasoning from a particular case, but it is not an uncommon case. They have facilities in the Province of Quebec by which any number of people may by an inexpensive process, acquire the right of constituting a municipal town which would have the power, under this amendment, to entirely neutralize and destroy in the county the effect of the Canada Temperance Act—the effect, which I presume, we try to give it, and which, while it is on the Statute-book, we should try to preserve for it. This, we think, is the best form in which to try local option. If we do not wish to have local option at all, let us repeal the Act ; if we desire to have local option, and can, by amendment, improve the Act, let us do so ; but I do not think we ought to adopt a proposition which appears to me to strike at the Temperance Act directly and tends to neutralize the good effect that any of its advocates may have hoped to derive from it. I may say that I am opposed to the amendment, and I hope the House will not adopt it.

Hon. Mr. DICKEY—Before the question is put I should like to make a remark or two in reply to what has been said. With regard to the case which has been put by my hon. friend, who speaks of a small village in his own county, I have not heard, and I am not aware whether that town or village of 1,500 people has ever been erected into a separate municipality for municipal purposes ?

Hon. Mr. ABBOTT—Yes ; it has been incorporated.

Hon. Mr. DICKEY—Then if it has been incorporated I hope my hon. friend will look

at the whole question, and not merely at one side of it; and the way I put it is just this, that in such a case as that, a large and intelligent village, I suppose, inhabited by intelligent people, are in a county where there is no Scott Act—surrounded by parishes where liquor is sold. The amendment which I propose would give a town such as my hon. friend describes an opportunity of placing itself under the Scott Act, and freeing the people and their children from being brought into contact with those who sell liquor. They would have the power of protecting themselves. It would work both ways, and in the interest of true temperance. It enables them to relieve themselves from the incubus of their surroundings, where liquor is as free as it can be in a place where licenses are issued. That is my answer to that argument. With regard to the position of my hon. friend from Ottawa, of whom we all desire in this connection to speak with the greatest respect, I have listened to his remarks upon this subject, and I must admit that they were made in a tone and in a manner that did him credit, for he has not imported into this debate any of that violent enthusiasm that is so often characteristic of these discussions. "The difficulty," he says, "in my mind is this: The Temperance Act of 1864 was in force, and it was found that it was impracticable and so on, and there were objections to it." Very well. Why was that Act not repealed by the Canada Temperance Act fourteen years ago? It was not repealed, but there was a provision made in the 97th section which enabled people to relieve themselves from the operation of that Act, and my amendment, the second clause of it, gives these incorporated towns only the same power to repeal any by-law under that Act. That is all the question that arises under that option, because at present the Temperance Act of 1864 is only applicable to the Provinces of Ontario and Quebec, and that Act, even in those Provinces, was not proposed to be repealed, but there are restrictions upon it, and I wish to give power to incorporated towns to avail themselves of these restrictions and repeal by-laws passed under that Act. It is said by my hon. friend that this is impracticable, because the whole line of procedure under the Canada Temperance Act rests upon the electoral divisions; and, says my hon. friend from Sarnia, the same way, "how is it possible we could do it in the case of towns? How could we get a list of the ratepayers?" Does not my hon. friend knows that these lists of ratepayers distinguish the qualified electors in each town, as well as in cities.

Hon. Mr. VIDAL—No!

Hon. Mr. DICKEY—They certainly do, and the electoral divisions will be co-terminus in elections in towns, or cities as the case may be. There are electoral divisions of cities. There are electoral divisions including towns, taking in parts of the surrounding country with them. That is the law at present, so that it is merely a glamour thrown over the eyes of the people to tell us that this cannot be applied to towns, because they are not separate electoral divisions. My hon. friend from Sarnia says, how could it be known whether these persons were qualified electors or not? I tell him that the electoral lists in every county will show him whether the people are qualified electors or not. I use the words "qualified electors," particularly, in every municipality, and these lists are accessible at any time. Under these circumstances I feel that there has been no valid argument against the amendment I propose. Before I sit down, I must express my pleasure at the relief that has been given me in saying that in taking this action I certainly have no desire to do anything in the direction of repealing the Canada Temperance Act; my motion is in the true interest of temperance, and in the interest of those people living in incorporated towns to enable them to relieve themselves from the operation of their surroundings when they are situated in a county in which the Canada Temperance Act is not in force at all. I think I can give no better proof of my desire to see the workings of this Act may be more extensive than it is at present. A little reflection by the outside people will convince them that it is an honest effort to give a larger and better scope to the operation of the Canada Temperance Act of 1878.

Hon. Mr. ALLAN—I should like to ask the hon. gentleman from Amherst how he considers it possible, in the case which he speaks of, of a cultivated and virtuous town or village where they are desirous of having the Scott Act enforced, and where the county in which this village is situated has not the Scott Act, to enforce the Act within the limits of the town? Possibly within the limits of the town they may be able to do it, but when you

remember that a person has only to go perhaps one hundred yards outside of the town to get whatever liquor he likes. I do not see how anyone can conceive that it will lead to anything else than constant breaches of the law and the utter demoralization of the people in that way. I have seen that in other cases, where the Scott Act has been in force in the county. I have seen over and over again in the county in which I reside, when the Scott Act was in force there, how it was eluded by people crossing the boundary ; but in the case of a town, or two or three towns, scattered through a county where the Act was in force, and they chose to adopt it, it seems to me it would lead to any amount of infringement of the law, when people have only to go outside of the town to obtain as much liquor as they desire.

Hon. Mr. DICKEY—My answer is this : that can now be done under the Canada Temperance Act in just the same way as it would be under this amendment. They can go from the country into cities and get liquor to any exent they like ; but the city that adopts the Act can protect itself within limits. No gentleman who has risen to speak upon this subject has given any reason why incorporated towns, which, as I said on a former occasion, are in some instances as large as the cities were in 1878, should not be given the same rights in respect to this Act as cities.

Hon. Mr. WARK—I did not expect to speak on this subject, but I can inform the mover of the amendment that we have had experience of just such cases as he wishes to provide for—small communities bringing the Act into operation while all the country round them was opposed to it. The city of Fredericton, the hon. mover of this amendment knows, was the first corporation in the Dominion to bring the Canada Temperance Act into operation. People had only to go across the river to get liquor, and they did so ; and any small community that puts this Act into operation may have all around them places where the people can get liquor. They have only to cross the bounds of their municipality to get what they want. The people of York made an effort to bring the Act into operation in the whole county. These interferences then, which existed before, were nullified. Those who are in favour of the liquor traffic have twice—I am not sure but three times—put the people to the expense of going through an election in order to sustain the Temperance Act, because they see that if the Act was repealed in the city of Fredericton people from every part of the county would crowd in to get liquor, and we would have all the rowdies of the county coming on there to indulge in drunkenness. We have, therefore, defeated these attempts, and the Act is now in operation throughout the entire county, and it is enforced with a good deal of spirit. Parties have been fined for first, second and third offences and sent to gaol for it. It has been a very hard fight, but the temperance people have had the best of it so far.

Hon. Mr. DEVER—Have they stopped the sale of liquor in Fredericton yet ?

Hon. Mr. VIDAL—I wish to correct an impression made by the hon. gentleman from Amherst, with respect to those electoral lists. I have made no mistake or misstatement in what I said. The municipal voters' list is not the list which is used in the elections for the House of Commons. It is based upon a totally distinct qualification. The only list which can be used in voting on the Canada Temperance Act is the official list of voters for the elections to the House of Commons, and I contend that the list for the county does not and cannot show how the electors in a town are to be distinguished from others, and no such lists can legally be made from the existing county lists. Before I resume my seat I would like to make an observation which I omitted in my former remarks, and that is, that for important legislation of this kind, generally speaking, we have some popular demand, specially for such an amendment as the hon. gentleman proposes. Any existing wrong is brought to light, and there is a public demand for a remedy. I contend that in this matter there is not one particle of evidence that the country is dissatisfied with the present law, and wishes this change to be made in it. The amendment originates in the well-intentioned ideas of the hon. gentleman from Amherst. He thinks it would be a good thing, and would promote the cause of temperance, but who agrees with him in his view ? Has he been asked to present this motion to the House ? If he has, he has never indicated to the House that there is any desire outside for the passing of this amendment. I am sure, if there was time given, you would have petitions coming in by the tens of thousands asking the House to

reject it. At any rate it is proposing to make an alteration which has not been demanded by any people in the country.

Hon. Mr. KAULBACH—I did not intend to speak on this question, but I wish to disabuse the minds of hon. gentlemen of the impression which the hon. gentleman has made, that the electoral lists are not made up for municipalities. I merely speak as far as my knowledge goes, for the province in which I live. I know that our town is a municipality, and its list is certainly, in voting for a member of Parliament, distinct from that of all other municipalities, and I believe every other town incorporated is in the same position. So that that objection of my hon. friend does not apply in Nova Scotia. Notwithstanding the arguments used on the other side, I am with the hon. gentleman from Amherst in this matter, and I can see no distinction between a large city and an incorporated town. I believe that these small towns of four or five thousand people have a greater controlling power in the good government of their municipality and its morals than the people in the big cities, and they should have the same privileges extended to them in respect of controlling the sale of liquor. I can see no excuse for debarring the people in a large community, having a greater proportion of education and intelligence than the people in the country, from this privilege.

Hon. Mr. ALMON—It is not what we tell the farmers during election times!

Hon. Mr. KAULBACH—I do not know what they tell farmers during election times. We tell them, I believe, that they are the bone and sinew of the country, and that agriculture is of great importance in the development of the wealth of the country, but we do not tell them that the larger proportion of the education and intelligence of the community is in the country, for it certainly centres in the towns where literature and periodicals are more largely circulated than in the country. I contend that incorporated towns should not be excluded from accepting or rejecting the Canada Temperance Act. Why should the town in which I live be excluded from the operation of the Temperance Act, because the surrounding country is not in favour of it? Where could local option be more properly carried out than in towns? You can apply the same argument that is used against incorporated towns to counties—that the people of one county can cross into another, or the people of the city can go into the county and buy liquor. I contend that the people of an incorporated town are quite capable of saying whether it is in the interest of morality and temperance and good Government that they shall themselves control the sale of liquor within their limits.

Hon. Mr. BELLEROSE—I do not see how I could vote for the amendment of the hon. gentleman from Amherst. If I thought it was to improve the law as it stands I would readily support it, because when the Act was presented to the House a few years ago I did not believe that the law went far enough, and I was ready to aid in extending its powers. I believe this amendment does not. True, as the hon. gentleman from Amherst said, the operation of it works both ways. If a county is so situated that there is a small town within its borders, and the county decides to adopt the Temperance Act, then the small town must submit to the will of the majority. On the other hand, if the county is opposed to the Scott Act, then the town, though it may favour the Temperance Act, must submit to the majority and permit the sale of liquor. That is quite true; but the Act would not be improved by the proposed amendment. To my mind, it would be making the Act worse than it is, because it would be giving the minority the right to sell liquor within a territory whose population is opposed to the liquor traffic. If the hon. gentleman aims at giving a certain part of the population the right to better their position, let him say so and change his amendment in this way: to provide that in case a small municipality within a county, where the majority of the county have decided against the Temperance Act, should desire to put the Temperance Act into operation within such small municipality it should have the right to do so. That would be better than placing the town in position of being compelled to allow the sale of liquor because the majority of the county outside of the town favour the liquor traffic. I would accept such an amendment, because it would have a tendency to prevent the sale of intoxicating liquors; but I cannot support the amendment before the Senate, because it seems to me that it would be destructive to the Temperance Act.

The amendment was declared lost on division.

The Bill was then read the third time and passed.

PILOTAGE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (10) "An Act to amend the Pilotage Act." He said: This is a Bill to amend a sub-section of section 59 of the Pilotage Act. As it stands in the Revised Statutes, certain vessels are exempt, by the Act, from compulsory pilotage, and amongst them are ships registered in Canada of not more than 80 tons registered tonnage. The shipping trade, as a rule, I believe, are opposed to this compulsory pilotage—that is to say, if they want pilots they are prepared to take them, but if they do not require them they do not want to be compelled to take them. The effect of this law is that ship-builders restrict the size of ships that they construct below eighty tons in order to avoid compulsory pilotage. It is considered a disadvantage that small ships should be constructed, and it is thought advisable to encourage the construction of larger vessels. The effect of this Bill is to extend the tonnage from eighty to one hundred and twenty tons.

Hon. Mr. POWER—There is a little more in the Bill than the hon. gentleman has stated. I presume he has given his own opinion as to what the effect of the Bill is, but if he will look at the chapter of the Revised Statutes which this Bill proposes to amend—the paragraph proposed to be stricken out and replaced by the paragraph in this Bill—he will find that there is a very material change made in the law, in addition to a mere increase in the tonnage of the vessels which are to be exempt from pilotage. In the law as it stands on the Statute-book, all ships of not more than 80 tons register are exempt from pilotage, so that the vessels registered in other places than Canada, as well as Canadian vessels, are exempt if their tonnage is less than 80 tons. The Bill before us limits the exemption altogether to ships registered in Canada. The exemption now enjoyed by vessels under 80 tons, other than vessels registered in Canada, is taken away and the only exemption now is to vessels registered in Canada, and as to these vessels the exemption is extended from 80 to 120 tons. I do not propose to discuss the policy of the change. I simply wish to call the attention of the leader of the Government to the somewhat important change which this Bill proposes to make in law, and to ask him, before the Bill is sent to Committee of the Whole House, to make some enquiry about the matter. I think the policy is one that would need to be considered—I am not saying whether it is wise or not. Evidently the hon. gentleman's attention was not directed to this fact—that there is a decided change in policy involved in the Bill.

Hon. Mr. ABBOTT—My hon. friend is quite right, and I am obliged to him for calling my attention to the fact. I thought that the Bill was simply to extend the tonnage exempted from pilotage from 80 to 120 tons, but I see that this extension is restricted to vessels registered in Canada.

Hon. Mr. KAULBACH—I think it is a wise amendment, and that the extension should be confined to Canadian vessels. We certainly should not give the same privilege to vessels not registered in our books that we give to our own ships. I am glad the exemption is to be extended, because the existing restriction has had the effect that the leader of the House has described. I know in the port from which I come ship-builders have been very careful in constructing fishing vessels to keep the tonnage under 80 tons so as to avoid pilotage dues, and it has been injurious not only to the ship-building but to the trade of the country, because our vessels would go to the West Indies after the fishing season if they were large enough. The number of those vessels formerly engaged in the West India trade has been reduced in consequence of the provision of the Pilotage Act which this Bill proposes to amend.

Hon. Mr. ABBOTT—I have no doubt that the restriction of the exemption to vessels registered in Canada has some good reason for it. I do not know—it is not in my line, and I am not familiar with it—but by the time the Bill comes up for consideration in Committee of the Whole I will take care to know as much about it as I am capable of.

The motion was agreed to and the Bill was read the second time.

BILL INTRODUCED.

Bill (8) "An Act respecting aid by United States wreckers in Canadian waters." (Mr. Abbott.)

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Tuesday, April 12th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

AN ADJOURNMENT.

MOTION.

Hon. Mr. LOUGHEED moved that when this House adjourns to-day it do stand adjourned until Wednesday, the 27th inst., at 3 o'clock in the afternoon.

The motion was agreed to.

BILLS ASSENTED TO.

The House adjourned during pleasure.

After some time the House was resumed.

The Honourable Samuel Henry Strong, one of the Puisne Judges of the Supreme Court of Canada, Deputy Governor, being seated on the Throne,—

The SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "It is the Deputy Governor's desire that they attend him immediately in this House."

Who being come with their Speaker,

The following Bills were then assented to:—

An Act respecting the Department of Marine and Fisheries.

An Act to further amend chapter ninety-six of the Revised Statutes, intituled: "An Act to encourage the development of the sea fisheries and the building of fishing vessels."

An Act respecting the Belleville and Lake Nipissing Railway Company.

An Act respecting the Nicola Valley Railway Company.

An Act respecting the Manitoba and South-Eastern Railway Company.

An Act to amend the Act to incorporate the McKay Milling Company.

An Act to amend "The Canada Temperance Amendment Act, 1888."

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1892, and for other purposes relating to the public service.

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

THE WRIGHT DIVORCE CASE.

REPORT OF THE COMMITTEE.

Hon. Mr. GOWAN, from the Select Committee on Divorce, presented their Eleventh Report on the petition of James Wright, praying for the passing of an Act to dissolve his marriage with Sarah Ann Wright, formerly Sarah Ann McDougall. He said: It will be in the recollection of the hon. members of the House that when the report of this case was presented before, it was sent back to the committee to enable the publication to go on for a fortnight longer in the Manitoba local papers. Personal service has been made on the respondent, and notice has been published the full six months in the *Gazette*; but the notice is short in the local papers. That notice has now be given, and the last publication necessary will be in the Manitoba *Gazette* to-morrow. A telegram has been received from Messrs. Macdonald & Tupper, who are solicitors for the petitioner in Manitoba, stating that the last notice will appear to-morrow, and the committee, in view of all these facts, have reported in favour of the Bill. However, the rule reads that the notice shall appear at least six months, and I therefore move that the rule of the House shall be suspended, and that the report be now adopted.

Hon. Mr. KAULBACH—The committee were not unanimous in adopting this report, and as the rule of the House is explicit, it must be complied with, unless the House unanimously agree to the suspension of the rule. This Bill was sent back to the committee some time ago in consequence of neglect to comply with some of the rules of the House, and the Senate gave instructions to the committee that the rules must be strictly enforced. We should not deviate from the rules. If we do, other cases of the kind will come up, and we will have no end of difficulties. It may be unfortunate for the clients,

but it is not our fault if we enforce our rules as strictly as the rules of a court of law. Therefore, I say that the report cannot be taken into consideration to-day, and I ask for the ruling of the Chair whether the report can be decided upon to-day when one member of the House rises and opposes it.

Hon. Mr. CLEMOW—This matter was before the House some time ago, and was reported back to the committee. I understand by the report of the chairman that the full time has expired.

Hon. Mr. KAULBACH—Not yet.

Hon. Mr. CLEMOW—I understand from the chairman that the whole time has elapsed.

Hon. Mr. KAULBACH—No ; the report, as read, shows to the contrary.

Hon. Mr. OGILVIE—I may say that the committee, by a very large majority, decided that the full time had expired. The notice has been published the full six months in the *Canada Gazette*, and in the local papers, but the last notice will not appear until to-morrow. Now, we contend that the publication was begun as soon as possible in the local papers, and the committee decided unanimously that the full time had expired. In fact, the hon. member from Calgary made a motion to that effect which was carried almost unanimously.

Hon. Mr. LOUGHEED—I did not understand that this particular Bill was the one in which the motion was carried with respect to the expiration of time, but the decision in this case was pretty much the same.

Hon. Mr. KAULBACH—I rise to a question of order. I have asked for the ruling of the Chair upon the point I have raised, whether this report can be taken into consideration to-day when any opposition is made to the motion. If that point is decided in favour of my contention, any discussion on the merits of the question now is futile.

Hon. Mr. GOWAN—As a matter of fact, the notice has been published the full six months, and all that the hon. member from Lunenburg is contending for is that the last notice will not appear until to-morrow.

Hon. Mr. KAULBACH—I am not contending that at all. I am contending that this report cannot be taken into consideration to-day, and I call for the ruling of the Chair.

Hon. Mr. VIDAL—Does the hon. gentleman wish the House to understand that if every other member of the House is favourable to the report being taken into consideration to-day he will stand alone in his opposition ?

Hon. Mr. KAULBACH—The hon. gentleman is assuming too much in this case as he does in temperance matters. He assumes to speak the sentiments of the whole temperance party. But in a matter like this he has no right to say, as he has done, that I am obstructing the business of the House. I believe the majority of the House will be found in favour of maintaining the rules, and for that reason I ask for the ruling of the Chair.

Hon. Mr. ALLAN—Does the report recommend the suspension of the rule ?

Hon. Mr. OGILVIE—No.

Hon. Mr. GOWAN—The committee decided that it was strictly within the terms of the rule. With the permission of the House I would withdraw my motion and move simply the adoption of the report.

Hon. Mr. KAULBACH—I call for the ruling of the Chair on my objection.

Hon. Mr. LOUGHEED—I should like to know from the hon. gentleman what his objection is. Does he object to the suspension of the rule, or does he object to the consideration of the report to-day ?

Hon. Mr. KAULBACH—I raised the objection that we cannot take the report into consideration to-day, and I ask for the ruling of the Chair.

Hon. Mr. VIDAL—The hon. gentleman has taken great umbrage at the innocent remark

that I made. I merely asked him if he would persist in his opposition if he stood alone. If anybody in the House thinks as the hon. gentleman thinks, he should speak now.

Hon. Mr. BELLEROSE—Those of us who are opposed to divorce under any circumstances do not meddle in such cases as a rule, but there are instances in which it is our duty to speak out, and this is one of them. Convinced, as we are, that divorce is wrong and demoralizes the people, we are bound to oppose the granting of divorce as far as possible, and we cannot interpret any rules of the House in such a way as to favour divorce. Therefore, every one in the House who feels as I do on this question of divorce is bound to take exception to any infringement of the rules. In this case the report cannot be adopted to-day, because it has only been presented to-day, and if the hon. gentleman from Lunenburg had not raised the objection I should have done so myself, but I preferred not to meddle in the matter since the hon. member, who is not opposed to divorce, has invoked the rules to have the consideration of the report postponed. The suggestion has been made that the hon. gentleman may be alone in the stand he has taken ; I may say that there are many of us who quite agree with him.

Hon. Mr. GOWAN—Under these circumstances, and seeing that the hon. member from Lunenburg insists on the rule being strictly enforced, I withdraw my motion, and move instead that the report be taken into consideration on the 27th of April.

THE HARRISON DIVORCE BILL.

REPORT ON PETITION PRESENTED.

Hon. Mr. GOWAN, from the Select Committee on Divorce, presented their Twelfth Report on the petition of Hattie Adele Harrison, praying for the passing of an Act to dissolve her marriage with Henry Bailey Harrison. He said : I was about to take the same course with this report that I took with the preceding one, and to move the suspension of the rule and the adoption of the report, but in deference to the expressions of the gentleman behind me (Mr. Bellerose), and others who think with him, I move the consideration of this report for the 27th inst.

The motion was agreed to.

GREAT NORTH-WEST CENTRAL RAILWAY.

ENQUIRY.

Hon. Mr. BOULTON rose to enquire when it is the intention of the Government to carry the mails by the Great North-West Central Railway. He said : The Great North-West Central is a road that has only been lately completed, and commenced to run on the 15th of December last. The mails have been carried heretofore by stage, and now that the railway is running it would be greatly to the convenience of the people who live along the line of railway if the mails were carried by rail instead of by the slower stage route. I have had several communications from the neighbourhood asking this question, and I therefore took occasion to draw the attention of the leader of the Government to the matter.

Hon. Mr. KAULBACH—Do I understand my hon. friend to say that the Great North-West Central is completed ? I thought only a small section of it was completed.

Hon. Mr. BOULTON—Fifty miles of it is completed. The railway itself is 450 miles long, but a section of 50 miles of it is completed, and the company are running trains over it twice a week.

Hon. Mr. ABBOTT—The Government would be desirous of sending the mails by this railway if the company were in a condition to undertake a permanent contract for that purpose, but enquiry has been made, and repeated lately, as to the condition of the company. The information that has reached us here from the members of the company themselves and the promoters of it is very unfavourable to the probability of the road continuing open for many days. Whether the information is correct or not I do not know.

CRIMINAL LAW CONSOLIDATION BILL.

REFERRED TO A SELECT JOINT COMMITTEE.

The Order of the Day having been called—

That upon the reference of "An Act respecting the Criminal Law," to a select committee of the House of Commons (if it be so referred), a select committee of the Senate be appointed to act jointly with such select committee of the House of Commons, with the sanction of the said House, and that the select committee of this House be composed of the Honourable Messieurs Dickey, Gowan, Lougheed, Miller, Power, Poirier and Scott.

Hon. Mr. ABBOTT said: The Bill respecting the Criminal Law has been introduced in the other House. It is intended to have it read the second time to-day and to ask for the appointment of a select committee to consider its details. It has occurred to us that it would be advantageous if a select committee of the Senate were joined with the select committee of the other House, in order that we might participate in the consideration of the details of this Bill, and so be in a position to pass it through this House without delay, as it is not improbable that it may be late in the session before it gets through the other House. With that object in view I move for the appointment of this select committee to act jointly with a select committee of the House of Commons.

Hon. Mr. GOWAN—I am glad this motion has been made for I think it will facilitate this Bill becoming law—having it referred to a joint committee of both Houses. I do not agree in the opinion I have heard expressed that it should have been introduced in the Senate. So far as I am capable of judging, I think the Bill embodies an excellent measure, carefully and scientifically constructed, as was proper in a comprehensive measure for codifying the Criminal Law of the country on a permanent and self-erected basis. I do think the Bill by far and away the most complete codification of the Criminal Law that has ever been submitted to any legislative body. But it involves gigantic changes. It in effect wipes away a large portion of that great depository of British law—the Common Law of England—as relates to the Criminal Law—that grand beacon-light of English jurisprudence, with its many reflectors, formed with wonderful skill and developed and brightened by the keenest intellects in many a conflict of opinion amongst England's jurists. It reduces to legislative expression many rules and principles found in the Common Law—in a word, it reduces to a code the whole floating body of the Criminal Law of Canada. It is very important, therefore, it should be fully considered, and not only this, but there is in the Bill a not unimportant clause in itself which will require some explanation, and a full consideration. It is the clause which provides that no person shall be proceeded against for any offence against any Act of Parliament of the realm of England or Great Britain or of the United Kingdom of Great Britain and Ireland, unless such Act is by the express terms thereof, or of some other Act of such Parliament, made applicable to Canada or some portion thereof as part of Her Majesty's dominions or possessions, thus sending us out on a new course with only, as it were, our own maps and charts for future guidance. The clause I refer to is doubtless to prevent questions and difficulties which might possibly arise under our own general adoption of the Criminal Law of England in the several provinces as it stood at different dates. There are, no doubt, old Acts that are obsolete or effete, or virtually repealed. The object and extent of this clause may be to show what Acts are intended to be excluded which might possibly otherwise be held to come within the letter of the general adoption. It is important to know this, and also to see that nothing valuable is lost. Without a reference to a joint committee of this measure all I have referred to could not so well be done for the information of both Houses, and it would have been unfortunate, I think, if the Bill had been introduced and first carried through this House, for then its author would not be present to give explanations of the changes proposed, and show that the language used properly represents what it is in codification. Hon. gentlemen will know that the Statute of Frauds which could be contained in three or four pages like those on our own Statute-book cost litigants, I may say, at least a million of dollars to settle its meaning; every sentence, almost every word, was subjected to a judicial construction, and so it would be with a comprehensive measure of this kind if room for question

was left, or the new law was not clearly and properly expressed. Now, the whole body of the Bill relating to the Criminal Law of Canada, is intended to take the place of the existing Statute law, as well as certain common law rules and certain technical terms are put into the whole express enactment. It is therefore of the utmost importance that every single word and sentence of the Bill shall be carefully considered and criticised. It would be impossible to do that intelligently except the author of the measure was present to explain everything connected with it. In looking over the Bill I made a note of nearly 100 queries and notes in connection with it that I think will be proper for consideration, and doubtless other gentlemen who have looked over the measure have perhaps as many or more matters that they may bring up for consideration in connection with the Bill. How anyone under six months' study, except the author of the Bill, could undertake to answer these questions or offer such explanations as are necessary, I cannot conceive. By a select committee of both Houses the author of the Bill will have an opportunity of explaining to experts a matter which is entirely of a technical character, and which they perhaps can more readily understand than ordinary men, and in no other way could it be done. I was, therefore, greatly pleased, and I think it is the best way to promote the Bill this session, that it should be referred to a joint committee, by which means the whole thing may be examined carefully by those who have come prepared to intelligently discuss it. In a deliberative body composed of men who are not experts, it is difficult to deal with technical questions of this kind. It is only by intelligent and careful consideration that the best forms of expression can be arrived at. One would hope that in a committee of the kind proposed, science would reign supreme, and this measure conceived in the happiest spirit and executed with immense care, covering the whole ground of the criminal law, would receive fair treatment from such hands, and come before the Senate free from a great many of the questions that might be sprung by those who are not familiar with the actual working of the criminal law. I am, therefore, greatly pleased and shall support the motion.

Hon. Mr. KAULBACH—I do not rise for the purpose of following my hon. friend in his criticism of the criminal law, because the measure is not before us, and I think it would have been time enough to enter into the merits of the question when the Bill comes before us. Therefore, the remarks of my hon. friend are rather premature. But as regards the question whether this is a competent body to deal with the measure in its initiative form, I am of the opinion that the Senate is eminently qualified for the purpose. We have plenty of time on our hands to carefully and intelligently discuss every detail, and we have here the leader of the House, who must be familiar with every branch of the criminal law, and I am sure that the Bill would receive very careful attention and consideration, and its details be more satisfactorily dealt with here than if it had emanated in the other House, where less time could be devoted to the subject. I shall not enter into a discussion of the Bill now, because such a discussion would be premature, but I wish to express my disagreement with the hon. gentleman's opinion as to the fitness of the Senate for initiating a measure of this kind.

The motion was agreed to.

BILLS INTRODUCED.

Bill (32) "An Act to incorporate the Women's Baptist Missionary Union of the Maritime Provinces." (Mr. McKay.)

Bill (34) "An Act respecting the Canada Southern Railway Company." (Mr. McCallum.)

Bill (31) "An Act respecting the Globe Printing Company." (Mr. Scott.)

Bill (45) "An Act to revive and amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company." (Mr. Clemow.)

Bill (40) "An Act respecting the St. Catharines and Niagara Central Railway Company." (Mr. McCallum.)

Bill (38) "An Act respecting the Canadian Pacific Railway Company." (Mr. Scott.)

A QUESTION OF PRIVILEGE.

Hon. Mr. McINNES (B.C.)—Before the Orders of the Day are proceeded with I rise to

a question of privilege. I find the following in the Ottawa correspondence of the Victoria, B.C., *Colonist*, of the 3rd April :—

"Senator McInnes was badly sat on by the Senate yesterday. Contrary to rule, it appears that he has been procuring books from the library for the Senate messengers. When the practice was discovered, it was promptly stopped. Mr. McInnes endeavoured to enlist his brother Senators on his side, but the peers would not support him, and Mr. McInnes is a very mad man these days."

The despatch is headed "Senator McInnes sat upon by Graves and Reverends." The despatch is dated the 2nd of April, and refers to an incident which occurred on the 1st April. I need scarcely remind the House that when I brought up the question of what appeared to me to be the unjustifiable conduct of the librarian towards the Senate, with closed doors, that several hon. gentlemen spoke, and all in favour of the position that I took, and against the conduct of the librarian, with the exception of one, and that one merely apologized for his friend. I would not think it worth while bringing this matter to the notice of the House, were it not for the fact that the telegram was sent some 3,000 miles, and no doubt at considerable expense. When any news is considered of sufficient importance to be telegraphed to that remote portion of the Dominion it is generally looked upon by the people there as having at least some semblance of truth. I need scarcely say that there is not a word of truth in this telegram from beginning to end, and whoever the correspondent may be I hope he will be a little more guarded in future, and that he will have the honesty and manliness to contradict the false despatch which I have quoted.

Hon. Mr. HOWLAN—It was April Fool's day.

Hon. Mr. McINNES — Evidently he was made an April fool of, and it is only due to me and to this House, and the paper that he represents, that he should acknowledge it.

THE DONIGAN DIVORCE CASE.

The Order of the Day being read—

"Consideration of the Ninth Report of the Select Committee on Divorce *re* Bill (D) 'An Act for the relief of Ada Donigan.'"

Hon. Mr. GOWAN said : The evidence in this case is very short, and it was only printed and distributed this morning.

Hon. Mr. KAULBACH—It is not yet distributed.

Hon. Mr. GOWAN—I therefore move that the Order of the Day be discharged and that the report be taken into consideration on the 27th inst.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

MOTIONS.

Hon. Mr. READ moved the adoption of the second report of the Joint Committee of both Houses on the Printing of Parliament. He said : This report has been referred back several times, but now that it has been adopted by the House of Commons, I am prepared to move that it be concurred in.

Hon. Mr. KAULBACH—Does it involve any additional expense ?

Hon. Mr. READ—Yes ; a little. There is a slight increase.

The motion was agreed to.

Hon. Mr. READ moved the adoption of the third report of the Joint Committee of both Houses on the Printing of Parliament.

The motion was agreed to.

The Senate adjourned at 5 p. m.

THE SENATE.

Ottawa, Wednesday, April 27th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE LATE HONOURABLE MR. MACKENZIE.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to direct the attention of the House to the death of a distinguished Canadian statesman since we last assembled in this room, a gentleman who had given the best part of his life to the service of his country. The late Mr. Mackenzie entered public life about thirty years ago, at a time when the subjects were being discussed that ultimately led to the adoption of the federal principle in Canada. Very soon after his entry into public life he took a foremost part as a speaker and as a debater on the various questions that came before the Parliament of Canada. His speeches were always clear; the facts correctly stated. Nature had endowed him with a marvellous memory, and he was ever ready, in the discussion of public questions, to bring the most apt illustrations in support of the arguments that he advanced. Though born in the old world, a native of Scotland and devoted to his motherland, he yet was a true Canadian in feeling and sentiment, having ever as his ultimate object the advancement of his adopted country. His nature was one that was full of deep sympathy for the toiler. Having himself had experience of life in the lower grades, he was able to appreciate fully the feelings and sentiments of the great mass of the people, and during his long life the masses of the people found in him a sympathetic and earnest advocate. In all legislation tending to the improvement of the great mass of the people, he was ever ready to give his active assistance to further it in every possible manner. In office he was a painstaking Minister. While head of the Government of this country it was observed of him that he was familiar with all the departments; he never spared himself, but took upon himself the management, not only of his own department, but became familiar with the management of all the others in order, as he felt, that the service of the country might be faithfully discharged, and no undue or improper expenditure should take place. When, under adverse circumstances, he bowed to the popular will and retired into private life, though still holding his seat in the House of Commons, he found himself without means—entirely dependent on his own industry for the support of himself and of his dear wife. It speaks volumes for his memory that during the long period of his service to this country he had never acquired anything like what might be called means, being entirely dependent, when he left office, on his own labour for the support of himself and his small family. He bore with singular fortitude and great patience his long illness. The people of this country deeply sympathized with him in the sufferings he endured for the last six or seven years. While he held the position of Premier of this country, he was not exempt from those shafts which are hurled by one political party against the other, yet when he retired from office the strong political feeling that had been exercised against him at once became changed into admiration and respect for his personal character. He had the satisfaction of feeling that his conduct as a Minister was, after some years of retirement, duly appreciated by the people of this country, and no stronger evidence of that can be found than the expressions of his political opponents at the time of his death. All over this land, which he loved so well, the pulpit and the press sounded paeans in his praise. They adverted to those beautiful characteristics of the man which attracted so many about him. Honesty of purpose was the leading one—firmness in the performance of what he considered his duty—never shirking, never flinching where duty called him. Had he chosen on many occasions to adopt a policy of expediency, possibly his political career might have carried with it long years of office; but he was one of those men who refused to sacrifice principle to policy. His example as a public man will, I trust, be of value to the youth of this country. His life is one that might well be emulated by the rising politicians of the day, and when the historian in the near future writes the history of Canada during the period in which Mr. Mackenzie took so important a part, I have no doubt that due credit will be given to his memory.

Hon. Mr. ABBOTT—My hon. friend has only anticipated me in the eulogium which he has passed on the late Hon. Mr. Mackenzie, and I think it is extremely graceful and proper he should do so, having the best right before almost any one in this House to speak for him, as having been one of his colleagues. I certainly cannot add anything to the very eloquent terms in which my hon. friend has spoken of the departed statesman. I myself sat in the other House with him for a number of years, and though opposed to him in politics, I must say he received and deserved not only the respect of myself, but of all the members of the House opposed to him in politics for his straightforward, laborious and careful management of the affairs of the country, as we believe, to the best of his ability, and by the unfailing industry with which he attached himself to his duties, and by the extraordinary amount of knowledge which he displayed on every occasion, no matter what the subject might be, debated before the House. Mr. Mackenzie has had, in one respect certainly, much to be proud of during his life, for although he survived the high position in which he was placed for a number of years, he had the advantage of receiving during the declining years of his life the almost universal respect of the entire Dominion of Canada without the slightest distinction or difference as to party. Though for some years practically lost to political life—almost in the position of one deceased—as to the frame with which his memory could be spoken of, and in view of that frame of mind opponents might have criticised him in any way they might think proper without fear of a retort from himself, there was almost but one expression, and that was an expression of approbation of his services while he held the position of Premier of the country, and while he held the position of member of Parliament. I am sure every one of us feels the strongest sympathy for Mrs. Mackenzie, who was held in the very highest possible esteem by the people while she lived here with her husband, acting as the lady highest in social position in the Dominion, while he was Premier. Both Houses have already testified their sympathy in several ways with Mrs Mackenzie in her bereavement, and I am sure if it were possible to testify it more strongly they would be ready to do so. I think I am expressing the sentiments of every one in this House when I say that we feel an intense and earnest sympathy for Mrs. Mackenzie, and most intense and earnest respect for the character of her late husband. We have also suffered the loss by death of another of our colleagues during the vacation that has now terminated. The late Senator Stevens was a member of this House since 1876. He was appointed by Mr. Mackenzie in 1876, and during the considerably long period of 16 years he has been with us, although opposed to myself and my friends in politics, no one could dispute that he exhibited here the qualities of a high-minded, respectable, able and intelligent statesman, and I hope the hon. members will sanction my saying that this House universally regrets his decease, and desires to convey its sympathy to the members of his family.

Hon. Mr. ALLAN—Having long entertained a sincere personal regard for the late Mr. Mackenzie, and having during the last few years been brought into more intimate relations with him, I hope the House will permit me to join with the other hon. gentlemen who have spoken, in expressing my regret at the loss Canada has sustained, and our deep sympathy with Mrs. Mackenzie. I always entertained a high respect for Mr. Mackenzie during the time he was in office in consequence of two striking characteristics of the man: one was his unwavering loyalty to British connection, and the other was his unswerving honesty, and no man could have known Mr. Mackenzie during his political career without thoroughly respecting the motives which actuated him in all his actions. I shall not say anything as to his abilities as a statesman, for these have been very eloquently alluded to by the hon. gentleman on my right (Mr. Scott); but I desire to say that any one who had known him in his former days, when in comparatively good health, and in office, would have their respect even more increased if they knew as well as I knew how bravely he had since borne up through great physical suffering for many years, more particularly in his attention to business matters in which I have had more or less to do with him, and his assiduity and thorough honesty of purpose and his earnestness in carrying out his duties in spite of those great physical drawbacks. I may, I am sure, say without any impropriety what high respect I have for Mrs. Mackenzie, both for the admirable

manner in which she filled the dignified position alluded to by the hon. Premier, while her husband was in office, as well as the fortitude and cheerfulness with which she has assisted and sustained her husband through his many years of suffering, and the spirit which she has displayed when by diminished means and altered circumstances, they have been compelled to live differently from what they had previously done. I am sure I shall have the assent of all the members of this House when I say that the career of the late Mr. Mackenzie, who has just passed away from us, is one of which Canada has reason to be proud, as that of an able and upright politician and a thoroughly honest man.

Hon. Mr. POWER—I am very glad that the leader of this House did not allow the death of the late Senator Stevens to pass without remark, and I feel that the hon. leader expressed the sentiments of every member of the House in saying that while Mr. Stevens' politics were those of the minority he enjoyed the respect and goodwill of every member of the House. If one might attempt to name his most striking characteristic, it was that he was a perfect Nathaniel—a man without guile—a man without a harsh word for any one, who was disposed to be friendly and kindhearted to all. Although he was not a man to come very much to the front in debates of the House, he was a man whose good sense and sound judgment were of very great use in the work of committees and in the general business of the House, and I feel that the regret spoken of by the hon. leader is fully shared in by every other member of the House.

AIKINS DIVORCE CASE.

CONSIDERATION OF THE REPORT POSTPONED.

Hon. Mr. SANFORD moved that the consideration of the Tenth Report of the Select Committee on Divorce on Bill (B) "An Act for the relief of James Albert Manning Aikins," be postponed until to-morrow.

Hon. Mr. KAULBACH—I hope my hon. friend will defer the consideration of this report a day or two longer. It has been virtually, so far as the House is concerned, only published to-day. As a member of the committee I know all about it, and have no doubt as to the propriety of granting the divorce, but all the members have not had an opportunity of reading the evidence. We should not hasten these matters, and it would be better to postpone the consideration of the report until next Friday or Monday.

Hon. Mr. ALMON—Monday, so that members can read it on Sunday.

Hon. Mr. POWER—I feel very pained, indeed, to be obliged for once to differ from the hon. member from Lunenburg. We have very little to do just now, and the evidence in this case is very short and clear. Any one who could not be in a position to vote on this Bill to-morrow would not be in a position to vote on it next Monday.

Hon. Mr. MILLER—The evidence is clear in this case.

The motion was agreed to.

WRECKING BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (8) "An Act respecting aid by United States wreckers in Canadian waters." He said: This Bill is similar in most respects to a measure that passed the House of Commons in a previous session, but which was rejected in this House, and certain provisions are made which were not understood or settled at the time of the former introduction of the Bill. The object of this measure is to establish reciprocity in wrecking, and it contains provisions requisite for relaxing the Customs laws in Canada, in cases where it becomes necessary. An agreement was arrived at with the Washington Government to give United States tugs and wrecking apparatus belonging to United States wreckers the same privileges in our waters as the United States will give Canadian tugs and wrecking apparatus in their waters. I believe the measure is in all respects satisfactory.

Hon. Mr. SCOTT—I must congratulate the Government on the principle of this Bill, which I think is a very sound and satisfactory one. If my memory serves me rightly, it has been adopted in the House of Commons on two occasions. It came to this Chamber in two different years—I think one year intervened between the two. It was very ably debated by gentlemen on both sides of the House. Certainly the advantage seemed to be,

from my standpoint, with those who supported the Bill of Mr. Kirkpatrick. The essential points are the same in both Bills. Practically that Bill gave reciprocity in wrecking to the tugs of the two countries, and was predicated on the assumption that there was then an Act of Congress which authorized Canadian tugs to enter American waters and give assistance to vessels so soon as Canada was disposed to reciprocate in such legislation. The measure was debated here at considerable length, and illustrations were given of the serious manner in which the law, as it now stands, operated, where vessels were lost through the inability of tugs to enter foreign waters to give assistance. The Bill was resisted on the ground that it was an interference with the National Policy—that Canadian tugs required protection, like Canadian manufactures—and so on that narrow basis the Bills were thrown out on these two occasions. It is, of course, legislation in the right direction and will, I trust, be accepted by the United States as evidence of the friendly disposition of this country.

Hon. Mr. McCALLUM—I do not know that there is anything very satisfactory about this Bill. We want some explanation from the Government in the public interest. My hon. friend from Ottawa says that vessels have been lost because United States tugs could not come to their assistance, but he pointed out no instance of the kind. I have heard it stated here and elsewhere that lives were lost under such circumstances, but the statement has never been verified. I know that affidavits were made by an American citizen which did duty in this country, in England and at Washington, that lives had been lost, and when it was looked into it was found that Canadians saved the lives and the Americans made the money. If we are to judge what the future will be by our experience in the past we have nothing to look forward to on this question. At one time we gave the United States the navigation of our canals on the same terms as our own people, and they promised to give us the navigation of their canals in the same way. Did they do so? They did not. In this case I want an explanation from the Government—are we to have the privilege of going into Lake Michigan, or are the Americans going to shut us out? Will they give us permission to enter their canals, and are we going to allow them to enter Georgian Bay and our canals to do as they please? Look at the records of this country! What was valuable to us then is valuable to us now. We ought to get a *quid pro quo*, and we do not get it in this case. They are shutting us out whenever they can. They will not let our men work in their country. If our citizens go there to work, their alien labour law will not permit it, and therefore I contend that we ought to have some satisfactory explanation, before passing this Bill, as to what the effect of it will be. A large majority of the wrecks that occur on the lakes are on our shores. We have in our ports tugs registered and fit to do this wrecking work, and this property is to be destroyed by this legislation. Nearly all the insurance companies interested in this matter have their headquarters in the United States, where our people are not allowed to work. Take this Bill, in connection with the alien labour law, and you snuff out our industries. I ask the Government to wait a year and see what the Americans are going to do. I want hem to give some guarantee that we will have fair play. We remember how they acted when they agreed to admit our fish free of duty; when they could not tax the fish they taxed the cans that contained them. I do not look for fair play from the United States on this question, and I am satisfied that they will embarrass us in every way that they can. I know what I speak of, because I was engaged in the wrecking business for many years. I have not been engaged in it for the last six years, but I recollect my experience in the past under the jug-handled policy when we allowed everything to come into this country from the United States free, while they excluded us from their markets, from 1865 to 1878. The moment the Canadian Government tried to do something to protect their own property, then the American wreckers raised the cry of humanity. I know of no law, human or divine, that prevents people saving life and property, and therefore there is nothing in that cry. Having failed to accomplish anything by raising the cry of humanity, they now come forward and say they will give us an equivalent; but their offer is not a *quid pro quo*, because ninety out of every hundred vessels wrecked on the inland waters of this continent are wrecked on the Canadian shore. My hon. friend from Ottawa says that vessels have been lost in our waters because the United States tugs were not allowed to come to their assistance. I would like him to point out a case of the kind if he can. I

know that the Canadian Government, when applied to, have always shown a willingness to admit United States tugs to save vessels in our waters, and very often Canadian wreckers have had reason to complain that the Government were too easy in that respect. Before I record my vote in favour of this Bill I want to have a better explanation from the Government than we have yet received.

Hon. Mr. ABBOTT—My hon. friend asks for an explanation on certain points. I do not know that there can be any difficulty in giving the explanation that he wants. He asks if we are to be allowed to go into Lake Michigan. I understand that we have treaty rights to go there, and the consequence might be very serious with respect to their rights in our own waters if we were denied that privilege, or any intention or desire were manifested to exclude us from Lake Michigan. My hon. friend speaks of the labour question; I do not think there can be any difference of opinion here as to the labour policy of the United States. No one can fail to feel aggrieved at the harsh way in which, as we understand it, our labourers are treated in the United States, and if the report be true of the latest occurrences of that kind, it is something which not even their own law, according to any reasonable interpretation of its terms, would justify; but I do not see that that in any respect bears upon this question. This really is a question whether or no we shall reciprocate in the saving of life and property. My hon. friend says that no lives have been lost for want of this legislation. I cannot say that I am in a position to decide whether lives have been lost or not. I know it has been asserted by a large number of gentlemen, who seem to be well informed, that lives and property have been lost in consequence of the absence of wrecking craft having the right to go where the wrecks took place. My hon. friend says there should be no difficulty in that case if no Canadian tugs are at hand, because the Canadian Government always permits a United States tug to go to the relief of a distressed vessel under such circumstances; but what, in the meantime, is to become of the wrecked vessel when such permission must be obtained? By the time the application could be made to Ottawa and permission obtained, in the case of a serious disaster, there would be nothing to save. I do not think that these objections of my hon. friend are so serious as to justify the abandonment of this measure, which has been agreed upon with the Americans on the express stipulation that in every respect the privileges which they will accord to our peope in wrecking on their coast shall be the same as we accord to their people when wrecks take place on our coast, and my hon. friend will perceive that the Bill is actually framed in that way. The Act only comes into force after a date named in a proclamation by the Governor General, which proclamation can only be issued when the Governor in Council is advised that the privilege of aiding any vessels wrecked or disabled in United States waters contiguous to Canada will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted under this measure to United States vessels. So, until that is ratified by legislation or agreement, this Bill does not come into force—it is only after it has been ascertained that the United States give us the same privileges that we propose to give to them that this Bill comes into force by proclamation of the Governor in Council. And if the contingency that my hon. friend fears should arise—and I am not sure that he has not ground for fearing it—on our being tricked or deluded in any way with respect to the advantages that we are giving under this Bill, the next clause makes provision for revoking or rendering inoperative the privilege conferred by this Bill. We are simply placing ourselves in a position, if we are satisfied that the Americans will give us corresponding privileges, to put this measure in force, and if at any time they withdraw or modify the privileges granted to us, or do anything to render them inoperative, we have the right to stop the operation of this Act by proclamation. So, by these provisions we safeguard ourselves from interference with the right after it is granted, and we avoid granting it until we know that corresponding advantages are to be given to us on the other side. As to the volume of wrecking, whether it is on our coasts or on those of the United States, I cannot say what the proportion is, but one may reasonably assume that wrecks do frequently occur on the coasts of both countries, whether with the same frequency or not it is, of course, very difficult to say. Certainly humanity is in a

great degree served, it appears to me, by granting the privilege to be conferred by this Bill.

Hon. Mr. McCALLUM — I should like to know where the humanity is !

Hon. Mr. ABBOTT — I think the Bill is a good one, especially as it ensures in a much more satisfactory manner than any former Bill the protection of our rights, and the vindication of them in case they are interfered with by the United States.

Hon. Mr. McCALLUM—I hold the Government responsible that they shall get what is fair and just from the Americans. I doubt very much if they will get it. I do not think they can, because if we are to judge the future by the past we will not get it. We have heard this humanity cry for years ; it was worked in the House of Commons two years ago, but the reports in the department will prove conclusively that the affidavits which did duty at Washington, in England and here are false. The man who made them committed suicide not long afterwards. Now, I was on the shore on the occasion when my hon. friend says that life was lost because an American tug could not come to the assistance of a disabled vessel. I stood on the beach all that night myself with the crews of two of my boats saving life—assisting people to get through the surf—and we had a fire burning on the shore. Next morning we saved the part of the crew that were not frozen to death. A few days afterwards an American tug came and took off the vessel. We saved the lives, and they got the money for saving the vessel. The people in distress were "out of humanity's reach," and "finished their journey alone," long before the tug got there. That incident was used then, and is used now, to promote this legislation. I hope the Prime Minister will get all that he expects, but the same argument stands to-day that stood years ago, only much more so, because our people have prepared themselves to do this work, and this Bill, if passed, will destroy their property or render it valueless, because the Americans will not employ Canadians. They put them on the same footing as Chinese. I have very great confidence in the Premier, and I hold him responsible that he will not allow the Americans to enter Georgian Bay or our canals to get any advantages on this question if our people are not allowed to go into Lake Michigan and United States harbours. By this Bill we are giving away valuable privileges that we should hold until we get an equivalent. If this Bill is to pass in its present shape let us get what we can any way, refusing them access to our canals and Georgian Bay for wrecking purposes, unless we are given a corresponding privilege on the other side.

The motion was agreed to, and the Bill was read the second time.

THE PILOTAGE BILL.

REPORTED FROM THE COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on the Bill (10) "An Act to amend the Pilotage Act."

(In the Committee.)

On the first clause,—

Hon. Mr. POWER—Hon. gentlemen will probably remember that when this Bill was at its second reading I called the attention of the leader of the House to a change which had probably escaped his observation and as to which he said he would make enquiry.

Hon. Mr. ABBOTT—I have enquired why the exemption from compulsory pilotage was restricted to vessels registered in Canada, and I understand the reason for it is this : that such is the rule adopted by our neighbours in that respect. For instance, I hold in my hand a report containing the provisions in regard to compulsory pilotage in the United States, and I see that dispensation with compulsory pilotage is almost universally restricted to the coasting trade which, of course, means to the vessels of the United States. I understand, as far as I have had occasion to look into the matter, the rule is almost universal that where compulsory pilotage is dispensed with in the United States it is only dispensed with in favour of United States vessels, and it was considered by this Government that it was proper and right that the same restriction or the same dispensation should apply in this country—that is to say, that the dispensation of compulsory pilotage should apply to vessels registered in our own ports and should not apply to foreign vessels.

Hon. Mr. POWER—Is the hon. gentleman in a position to inform the House as to what the practice is in the mother country ?

Hon. Mr. ABBOTT—I cannot say that I am in a position to do so. Our relations are so much closer with our friends in the United States as to the coasting trade, especially as this compulsory pilotage applies only to a similar class of vessels in both countries, that I only looked at the regulations as connected with vessels in the United States ; but I think the same regulation is adopted in England. I see that there is a reference in this report also with regard to compulsory pilotage in England, and I notice that in some classes of vessels the exemption from compulsory pilotage applies to those engaged in the coasting trade. There are some exceptions, such as ships trading to Boulogne or ports north of Boulogne and the islands of Jersey and Man, &c., but the general practice, I think, is the same as that which is proposed to be introduced in this Bill, that the exemption from compulsory pilotage shall apply to British vessels.

Hon. Mr. POWER—I am rather surprised that the hon. gentleman should look to Washington for an example.

Hon. Mr. ABBOTT—We take the good examples we find everywhere.

Hon. Mr. POWER—I was under the impression that, as regards theory any way, it was not the practice of this Government to look to our neighbours for example. They have been in the habit of claiming that the Opposition were the pro-American party, and that the Conservatives were the specially British and loyal party. Now we find that not only their customs legislation but their legislation respecting wrecking and pilotage are being substantially borrowed from those neighbours whom the friends of the hon. gentleman are in the habit of denouncing in such vigorous terms while election campaigns are going on. I think if the Government want a good example to follow, a civilized example, they should try to copy the mother country instead of the United States.

Hon. Mr. KAULBACH—Would my hon. friend allow our American friends to come into our ports free of pilotage dues when our vessels are liable to pilotage dues when they go into American ports ?

Hon. Mr. POWER—I did not express myself as to the propriety of the Bill.

Hon. Mr. KAULBACH—Vessels of the size referred to in this Act do not come into our ports from England ; they are all American. I know that Nova Scotia vessels have felt very severely the heavy pilotage dues that are imposed upon them the moment they go into the ports of Boston or Portland. Compulsory pilotage is exacted from every one of them, no matter how small they are.

Hon. Mr. POWER—I have not expressed any opinion on that question.

Hon. Mr. KAULBACH—Then I do not know what my hon. friend is talking of.

Hon. Mr. ALMON—I wish to ask the leader of the House what he means by "coasting trade." I understand that Americans keep their coasting trade entirely to themselves and would prevent a Nova Scotia vessel sailing from Boston, round Cape Horn, several thousand miles up the Pacific to Alaska, as a coaster. They call it a coasting trade. Do we call it a coasting trade when our vessels go round the coast to British Columbia ?

Hon. Mr. ABBOTT—My hon. friend from Halifax will perceive we do not make the coasting trade a test with us. The question is whether the vessel is a British vessel or not. If it is a British vessel it escapes compulsory pilotage. A coasting trade, as I understand it, is a vessel sailing from a port in one country to a port in another country along the same coast. I am surprised at my hon. friend's criticism of this measure.

Hon. Mr. POWER—I have not found fault with the measure.

Hon. Mr. ABBOTT—No ; it is the source of the inspiration my hon. friend objects to. He thinks we ought not to resort to the United States for a model, no matter whether the model be good or bad. The difference between my hon. friend and me on that point is : that when I find a model good I am prepared to copy it, no matter where it comes from ; but I do not share the opinion of my hon. friend that I should follow the United States in legislation which we all believe to be bad. That is one of the most striking differences between my hon. friend and myself at this moment. My hon. friend insists on following the United States in the amounts of duties which are imposed on imports, while we think it is better to select

and choose the amounts of these duties ourselves without reference to the bad model, as we think, of the United States.

Hon. Mr. MACDONALD (P.E.I.)—There is one class of vessels to which this change in the law will apply with some hardship—that is, American vessels fishing round the coast of Prince Edward Island. They fish there during the summer, and frequently enter the harbours for shelter or such supplies as they want or are allowed to take, and if this law goes into effect they will be liable to pilotage dues every time they enter those harbours during the season, which I think would be a great hardship. It is quite right that they should pay pilotage dues once in the season when they enter the harbour, but I think it would be a hardship to compel them to pay every time they enter. I do not know if fishing vessels are liable to pilotage dues in the United States, but I think we should extend the same favour to them that our vessels have on their coast. It would be quite right, I think, that they should be exempt from more than one payment of pilotage dues during the season when fishing on the coasts of the Dominion.

Hon. Mr. POWER—I think that the suggestion just made by the hon. gentleman from Prince Edward Island is of sufficient importance to induce the leader of the House to let the Bill remain in committee until further enquiry is made. The coming of these American fishermen to the harbours of Nova Scotia and Prince Edward Island for the purchase of wood and other supplies is beneficial to the places to which they resort, as well as to themselves, and if it be true, as the hon. gentleman who has just sat down has said, that our fishing vessels are exempt from the payment of pilotage dues more than once in the United States ports, we should follow the practice laid down by the hon. leader inasmuch as this is a right and christian-like proceeding. We should put their fishermen in the same position in our ports in which they place ours in American ports. I may be allowed to say one word with respect to the statement made by the leader of the House, to the effect that we (the Opposition) desire to place the tariff of Canada in the same position as that of the United States. I think the hon. gentleman is labouring under a very great delusion. I am not aware that any party in this country has proposed to do that. I am not aware that any party has advanced commercial union. The party which the hon. gentleman now leads has done its best to bring our tariff up to the level of the tariff of the United States.

Hon. Mr. HOWLAN—I think my hon. friend from Prince Edward Island has not looked over the law very closely. This Bill does not alter the law at all. The Bill is one with respect to Dominion vessels, and it leaves the American vessels in exactly the same position they now occupy. Up to a recent period American fishing vessels were not looked upon as vessels in trade. It is only recently that they have been so classed.

Hon. Mr. KAULBACH—Our fishing vessels do not go to the United States. They do not fish off the coasts of the United States, and they certainly have no privilege there that we do not give to their vessels here. The United States vessels are now getting concessions from Canada which it is very doubtful they should have, and our fishermen are being placed at a disadvantage with those of the United States. I do not think the American fishermen should have any advantage given to them at the expense of our own fishermen.

The motion was agreed to.

Hon. Mr. OGILVIE, from the committee, reported the Bill without amendment.

Hon. Mr. ABBOTT moved the third reading of the Bill.

Hon. Mr. POWER—Perhaps the hon. gentleman would allow the third reading to stand until to-morrow.

The motion was withdrawn, and the Bill was ordered for third reading to-morrow.

THE WRIGHT DIVORCE CASE.

FIRST READING.

Hon. Mr. CLEMOW moved the adoption of the Eleventh Report of the select committee on divorce *re* the Wright divorce petition. He said: This report was received by the House the day of the adjournment. Objection was taken to the adoption of it on that day, inasmuch as it was not twenty-four hours on the Table of the House. The time has now elapsed and this objection can be no longer urged against it.

Hon. Mr. KAULBACH—My hon. friend is not quite correct. It was not only on the strict compliance with the rule that a day

should intervene between the time of receiving a report and the adoption of it; but it was because I felt that a debate would arise on it, and that the House should not be taken by surprise. I really do think it would be better to refer this report back to the committee again. The committee will meet to-morrow and the time required for the publication of notice in the papers will then have expired. In fact the time has already expired. When the petition was before the House the publication was deficient one issue. If we are to depart from the strict rule of the House it will be difficult to say where we are to draw the line when the publication of notice is short a day, a week or a month. Unless we stick strictly to the rule in all cases we are going to give rise to protracted and unpleasant debates. My hon. friend, instead of having the propriety of relaxing the rule in this case discussed, would do better to move that the report be referred back to the committee, and then we would not be creating a precedent by granting a Bill for which the full notice of six months had not been given. Notice must have full six months' publication in all the papers in which it should be published. I move an amendment that the Order of the Day be discharged and that the report be referred back to the committee.

Hon. Mr. OGILVIE—So far as referring the report back to the committee is concerned, I cannot understand the object of doing so. I tried to catch what the hon. member from Lunenburg said as far as I could, but it was a very difficult operation. I know one thing, that the committee by a very large majority decided that the publication of the notice was correct and sufficient. I believe there was one gentleman against it there, but only one, and I do not see any use in sending the report back. If the hon. gentleman is anxious about the notice he can satisfy himself that it has been published longer than six months. The committee was satisfied that it had been published for the full term of six months and reported accordingly.

Hon. Mr. MACDONALD (B.C.)—This reference will not cause any delay. The report will be back to-morrow again.

Hon. Mr. OGILVIE—I cannot see any use of it.

Hon. Mr. KAULBACH—My hon. friend has referred to me; I simply stated what has been admitted as a fact, that the notice had not been published six months in the Manitoba *Free Press*. The committee consider that substantially the rules had been complied with. But I repeat, the notice lacked one insertion. Why should we adopt a bad precedent when we can refer back the report and have it returned to us to-morrow?

Hon. Mr. OGILVIE—I repeat that with one exception the committee were satisfied that the notice had been published as required by the rules.

Hon. Mr. CLEMOW—There is no doubt that the time has elapsed now, and if it had not been for the adjournment of the Senate the report would have been adopted the following day after it was presented. It would be a great hardship to the petitioner to delay his case because of a technicality. Certainly the full time has elapsed now. Had I known that this course would have been pursued I should have done all I could to prevent the adjournment taking place. The petitioner has gone to great expense to get his divorce, and the delay is through no fault of his, but of those who wanted a long adjournment.

Hon. Mr. KAULBACH—It is the fault of his solicitor not looking after the case and having the notice published in time.

Hon. Mr. LOUGHEED—The committee found that the insertions of the notice were short but one. I have since been informed by the clerk of the committee that the particular papers referred to in this report are at present on file connected with the petition, so beyond all peradventure the necessary publication has been complied with. If the House is prepared to accept that statement, there is no reason whatever for referring this report back to the committee and incurring loss of time.

Hon. Mr. KAULBACH—My hon. friend says that the report can be supplemented by reference to the papers; I think that is improper. There is no power to supplement the evidence submitted to the committee. No time will be lost by referring back the report.

Hon. Mr. OGILVIE—How do we know that if we refer back this report no time will be lost? The hon. gentleman from Lunenburg may want to have it postponed again, and throw it over to next week. That has been our experience so far, and we may expect it to occur again. The report should go through to-day.

Hon. Mr. KAULBACH—I can assure my hon. friend that I will not make any objection.

The Senate divided on the amendment, which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

Armand,	Kaulbach,
Bellerose,	Macdonald (*Victoria*),
Casgrain,	Macdonald (*P.E.I.*),
DeBlois,	Masson,
Glasier,	Montplaisir.—10.

NON-CONTENTS :

Hon. Messrs.

Abbott,	McKay,
Allan,	McMillan,
Almon,	MacInnes (*Burlington*),
Botsford,	Merner,
Boyd,	Montgomery,
Clemow,	Ogilvie,
Cochrane,	Perley,
Dickey,	Prowse,
Dobson,	Reid (*Cariboo*),
Flint,	Sanford,
Lewin,	Sullivan,
Lougheed,	Vidal,
McCallum,	Wark.—27.
McClelan,	

The motion was agreed to.

Hon. Mr. CLEMOW moved that the Bill be read the first time.

The motion was agreed to, and the Bill was read the first time.

HARRISON DIVORCE CASE.

FIRST READING.

Hon. Mr. SANFORD moved the adoption of the Twelfth Report of the Select Committee on Divorce *re* Harrison divorce petition. He said : This case is very similar to the one which has just been disposed of. In this instance, as in the other, there was a loss of a day in the publication, but the paper is on file showing that the full time has elapsed. In other respects the House is familiar with the case.

Hon. Mr. KAULBACH—My hon. friend has failed to show us the discrepancy in this case. I think the insertion was short in two papers. I do not intend to divide the House again, because it seems that the House is willing that the rule requiring the insertion of the notice for six months is not necessary. (Cries of no, no.) That I infer from the division on the last Bill. In support of the position I take here I may remind the House that in 1885, in the Cox divorce case, there was one insertion short in a local paper and the report was strenuously opposed, in that instance, in consequence, by the then leader of the House, Sir Alexander Campbell. There is a precedent for the position I have taken here, and following his example I do not think I can be accused of being factious, or disposed to retard the inquiry into the case. I believe that we should stick closely to the rules. The moment we depart from them it raises a discussion of this kind, which had better be avoided.

The motion was agreed to.

Hon. Mr. SANFORD moved that the Bill be read the first time.

The motion was agreed to.

SECOND READINGS.

Bill (32) "An Act to incorporate the Woman's Baptist Missionary Union of the Maritime Provinces." (Mr. McKay.)

Bill (31) "An Act respecting the 'Globe' Printing Company." (Mr. Scott.)

CANADA SOUTHERN RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (34) "An Act respecting the Canada Southern Railway Company." He said : This is a Bill extending the time for the completion and operation of this road.

Hon. Mr. POWER—The second reading of a Bill is the occasion when the reason for adopting the principle of the measure should be given to the House. The hon. gentleman has not given us any reason for the adoption of this Bill.

Hon. Mr. McCALLUM—I think I gave explanation enough. The Bill is to extend the time for the completion of this important work. The company does not ask for money, land or bonuses, and that should be explanation enough. The road runs from the city of Buffalo to Detroit, passing through an important part of Ontario. The work is not yet completed, and the company wants to have the time for its completion extended. That ought to satisfy the hon. gentleman.

Hon. Mr. POWER—The hon. gentleman's explanation is perfectly satisfactory, and I shall vote for the measure with the greatest possible pleasure.

The motion was agreed to

LINDSAY, BOBCAYGEON AND PONTYPOOL RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (45) "An Act to revive and amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company." He said: This is a Bill containing the usual clauses, asking for an extension of time for the commencement and completion of the road.

Hon. Mr. POWER—This Bill is not exactly in the same position as that, the second reading of which was moved by the hon. gentleman from Monck. It appears that the charter of this railway has altogether expired, and that the company have done nothing during all the time they have enjoyed this charter. It is rather a serious thing to ask Parliament to grant a new charter, for that is practically what it is, to a company which has shown that it is not in a position to do very much work. The hon. gentleman from Rideau division should show to the House that the public interests require that this charter should be revived, which he has not done.

Hon. Mr. KAULBACH—When was the charter granted to the company?

Hon. Mr. CLEMOW—It seems that it has only been granted two years. I am told that this road is very much required in that section of the country. The company have not been able to commence the road, owing to a stringency in the money market in England. We pass such Bills every day, and I do not see why an exception should be made of this one. However, the Railway Committee will make enquiry and find out the true state of the case.

The motion was agreed to, and the Bill was read the second time.

ST. CATHARINES AND NIAGARA CENTRAL RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (40) "An Act respecting the St. Catharines and Niagara Central Railway Company." He said: This is a Bill asking for an extension of time for the completion of the road, about 12 miles of which has been built. Sometimes there are difficulties in the way of negotiating money for the construction of a railway, and an extension of time becomes necessary.

Hon. Mr. POWER—Would the hon. gentleman be kind enough to inform the House how long it is since the company was incorporated?

Hon. Mr. McCALLUM—We want five years more to complete the road. There are some very important works to be built, such as the construction of a bridge across the Welland Canal and other structures, which will involve a considerable expenditure of money.

Hon. Mr. KAULBACH—How much money has been expended?

Hon. Mr. McCALLUM—I cannot tell exactly, but 12 miles of the road has been built.

Hon. Mr. POWER—The question which I intended to ask the hon. gentleman was how long it was since the company was chartered to build this road?

Hon. Mr. McCALLUM—I do not know. If my hon. friend will look at the statutes he can easily find out.

Hon. Mr. POWER—I have a sort of indistinct remembrance that it is about twenty years, and if in that time the company has built only 12 miles of the road, I would suggest that five years more is not long enough to complete.

Hon. Mr. McCALLUM—If the hon. gentleman will take seventy-five per cent from his statement he will be nearer right.

Hon. Mr. VIDAL—If the hon. gentleman will look at the Bill he will see that it refers to the statute of 1890.

The motion was agreed to, and the Bill was read the second time.

CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (38) "An Act respecting the Canadian Pacific Railway Company." He said: The company ask the authority of Parliament to allow them to issue ordinary stock in lieu of consolidated debenture stock. There is a belief in the minds of a great many people on the money market that the ordinary stock will one day yield a larger dividend than the

debenture stock. The interest on the debenture stock has a fixed limit, whereas the dividends on the ordinary stock depend entirely on the future success of the railway. The company ask power, under the second section of this Bill, to issue ordinary stock in lieu of the debentures if the markets warrant them in doing so. The next clause is to empower the company to increase their capital stock. The company were allowed in the original charter to issue capital stock to the amount of one hundred millions of dollars. In 1883, when they were granted the loan, they gave up stock certificates to the extent of thirty-five millions of dollars. When the loan was repaid, authority was not taken to issue shares if need be for the thirty-five millions of dollars deposited with the Government. This clause is to authorize the company to issue the thirty-five millions, but it requires that before the stock is disposed of it shall be approved by at least two-thirds of its shareholders at a general meeting, and there is the additional qualification that it shall have the approval of the Governor in Council. The next clause provides that the stock shall be subject to the terms contained in the original charter—that is, that shares shall not be sold at a greater discount than the by-laws of the company provide for. The next clause authorizes the issuing of consolidated debenture stock for the purpose of satisfying or acquiring mortgage bonds of other railways that have been leased or purchased by the company. The last clause provides that the stock shall be exclusively applied for the purposes for which the shareholders authorized such issue.

Hon. Mr. POWER—I understand from the hon. gentleman that the interest on the debenture stock is limited to 6 per cent.

Hon. Mr. SCOTT — No ; I did not mention any amount—I do not know what it is. There is a fixed rate for debenture stock, while ordinary stock is only bounded by the capacity of the road to pay it. This Bill authorizes the company, if ordinary shares are likely to command a higher value than debenture stock in the market, to avail themselves of that condition of the market, not in addition to the stock, but in substitution for debenture stock.

Hon. Mr. POWER—It is gratifying to know that the prospects of the company are so good that they are likely to pay more than 6 per cent interest on the ordinary stock.

Hon. Mr. SCOTT—I did not say 6 per cent.

Hon. Mr. POWER — Judging from the reports in the papers of the profits of the company, it appears probable that in a very short time they will be paying very large dividends on their ordinary stock, and it occurs to me that it would be a good idea for the hon. gentleman to insert a provision in this Bill that when the stock pays more than 6 per cent interest, any surplus beyond 6 per cent shall go into the public treasury.

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

Bill (19) "An Act respecting the Boiler Inspection and Insurance Company of Canada." (Mr. Lougheed.)

Bill (41) "An Act respecting the Bell Telephone Company of Canada." (Mr. Scott.)

Bill (47) "An Act to incorporate the Victoria Life Insurance Company." (Mr. Scott.)

Bill (30) "An Act respecting the Nova Scotia Steel and Forge Company." (Mr. Dickey.)

Bill (25) "An Act respecting the Montreal Board of Trade." (Mr. Ogilvie.)

Bill (58) "An Act to authorize the conveyance to the corporation of the City of Toronto of certain Ordnance lands in that city." (Mr. Abbott.)

The Senate adjourned at 5.20 p. m.

THE SENATE.

Ottawa, Thursday, April 28th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (H) "An Act to incorporate the Buckingham and Lievre River Railway Company." (Mr. Clemow.)

AIKINS DIVORCE BILL.

THIRD READING.

Hon. Mr. KAULBACH moved the adoption of the Tenth Report of the Select Committee on Divorce *re* Bill (B) "An Act for the relief of James Albert Manning Aikins." He said : As the House has read the evidence, it will

not be necessary for me to make any comments on this case. It is sufficient for me to say that the committee were unanimous in their finding that the respondent had been guilty of adultery, desertion and bigamy, and I am sure hon. gentlemen will have no difficulty in adopting the report.

The motion was agreed to on a division.

Hon. Mr. SANFORD moved that the Bill be read the third time presently.

The motion was agreed to on a division, and the Bill was read the third time and passed.

THIRD READING.

Bill (10) "An Act to amend the Pilotage Act." (Mr. Abbott.)

THE DONIGAN DIVORCE CASE.

THIRD READING.

Hon. Mr. KAULBACH moved the adoption of the Ninth Report of the Select Committee on Divorce *re* Bill (D) "An Act for the relief of Ada Donigan." He said: In the absence of the chairman I may say that the committee were unanimous in recommending that the prayer of the petitioner be granted. No doubt every member of the House has seen the evidence, and is aware of the fact that the petitioner in this case has been treated with the greatest brutality by her husband. It is an instance in which affection and fidelity on the part of the wife has been repaid with perfidy by the husband. I am sure that the House will adopt the recommendation of the committee without a dissenting voice. I have never known an instance of greater cruelty to a wife.

The motion was agreed to.

Hon. Mr. COCHRANE moved that the Bill be read the third time presently.

The motion was agreed to, and the Bill was read the third time and passed on a division.

The Senate adjourned at 3.50 p. m.

THE SENATE.

Ottawa, Friday, April 29th, 1892.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Railways, Telegraphs and Harbours, were read the third time and passed:—

Bill (14) "An Act respecting the Grand Trunk Railway of Canada." (Mr. Vidal.)

Bill (34) "An Act respecting the Canada Southern Railway Company." (Mr. McCallum.)

Bill (45) "An Act to revive and amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company." (Mr. Clemow.)

Bill (40) "An Act respecting the St. Catharines and Niagara Central Railway Company." (Mr. McCallum.)

THE CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (38) "An Act respecting the Canadian Pacific Railway Company," without amendment.

Hon. Mr. POWER—Will the hon. gentleman allow the third reading of this Bill to stand until Monday?

Hon. Mr. SCOTT—If there is any real substantial reason for doing so I am willing to postpone the third reading; but the measure was very fully discussed at the meeting of the Railway Committee to-day, and every objection was met. If there is any particular point on which the hon. gentleman wishes to obtain information I will be very glad to furnish it.

Hon. Mr. POWER—I was not present at the meeting of the committee to-day; but one thing struck me about the Bill: it gives the company unrestricted power to increase their capital stock. That, it seems to me, is objectionable. The hon. gentleman from Ottawa, in moving the second reading of the Bill, pointed out as a reason why the com-

pany desired to increase their capital stock, that the stock had originally been fixed at $100,000,000. Some years ago when the advance of $35,000,000 was made to the company this was regarded as decreasing the value of the company's available stock to $65,000,000, and it was only desired, I understood the hon. gentleman to say, that the stock should be replaced at the original figure of $100,000,000. Now the Bill reported from the committee gives the company an unlimited power of increasing their capital stock by a vote of the shareholders at a regular meeting.

Hon. Mr. OGILVIE—Two-thirds of the shareholders.

Hon. Mr. POWER—It says two-thirds of the shareholders present at a meeting, and there might be a bare quorum. I think that is a large power to give to the company, in whose interests the country is so largely involved. The standing of the company now is of the very first character, and legislation of this kind is calculated, perhaps, to impair before long the standing of the company. There should be some explanation of that provision.

Hon. Mr. SCOTT—The explanation was given this morning. It was pointed out that it was bringing the Bill into conformity with the general law which authorizes the shareholders of any railway company to increase the capital stock if they so please. This company, it was shown to the Railway Committee, had put certain checks and guards on the issue of their stock, requiring the sanction of the Governor in Council among other checks, and no exception whatever was taken to it. It was pointed out that the general law authorizes any railway company to issue an unlimited amount of stock. We are constantly giving that power to railway companies, and I do not know why an exception should be made on the present occasion.

The motion was agreed to, and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (74) "An Act respecting the St. John and Maine Railway Company, and the New Brunswick Railway Company." (Mr. Boyd.)

Bill (53) "An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company." (Mr. Scott.)

Bill (49) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company. (Mr. Sanford in the absence of Mr. Read of Quinte.)

Bill (I) "An Act respecting the Internal Economy of the Senate." (Mr. Abbott.)

THE WRECKING BILL.

THIRD READING.

Hon. Mr. ABBOTT moved that the House resolve itself into a Committee of the Whole on Bill (8) "An Act respecting aid by United States wreckers in Canadian waters."

Hon. Mr. McCALLUM—Before the House goes into committee I desire to make a few remarks on this measure. Whether I shall do so now or at the third reading of the Bill of course it is a matter for the House to decide, but I for one regret very much that the Government have brought this measure before Parliament. What induced them to do so I cannot understand, nor do I think there has been sufficient reason given to the people of this country for the passage of this measure at present. I do not see why it should become law. I wish to ask the Government is there to be any change in the policy or the action of the American Government towards Canada and Canadians if this measure is to become law? I should like to ask the Government if they have any assurance that Canada is to get anything in return more than the privilege of wrecking in American waters; because we are granting the Americans a great privilege under this Bill? The question is, is this the proper time to grant it? I know that we have refused to grant them this privilege time and again for the last twelve years. We refused it over and over again, and why? It was because we wanted to get an equivalent. The Government of Canada did not consider wrecking privileges in United States waters were a sufficient equivalent for the privileges they ask from us. What has happened that we should now want to grant this privilege? Have the American Government been so magnanimous and generous towards the people of Canada that we should grant them this privilege now? Have they not done everything they possibly can do to embarrass the Canadian people? Have they not passed the McKinley Bill to endeavour to destroy the agricultural interests of this country? Have they not likewise passed the alien labour law to prevent Canadians doing a day's work in the

United States ? Are not Canadians looked upon by the Americans as being on a level with the Chinese ? No Canadian to-day can get employment in any capacity on an American vessel, even before the mast, unless he signs an agreement that he will become an American citizen, and forswears his allegiance to Her Majesty. I have in my hand the *Hansard* of 1880, in which Ministers of the Crown have spoken strongly against this wrecking privilege being granted to the Americans, and I say it is a give away even if we get all that the Americans profess to give which, as I said the other day, I have serious doubts we shall get, but even if we are getting what they offer, we are giving away one dollar to get ten cents on this transaction. I know of what I speak. If we are to judge the future by the past we shall get nothing. I call the attention of hon. gentlemen to what a Minister of the Crown said on this question a few years ago—a gentleman who understands the subject as well as any other man in this country—a gentleman who has been Minister of Customs until within a few days ago—a gentleman who has fought the Americans on this question, and why is this change now ? Whether it was the recent trip to Washington had something to do with it or not I do not know, but there must be something behind it all of which we have not yet heard, besides the interests of humanity. If the interests of humanity prevailed on the American side would they meet us on the border and drive us back to prevent us from getting any advantages in their country unless we are prepared to forswear our allegiance to Her Majesty ? On the 22nd December, 1880, Hon. Mr. Bowell, speaking on this subject, said :—

"I do not propose at present to enter into the question of reciprocity or to refer to the contents of the papers which have been moved for and which will soon be laid before the House, but I may say that the Government in its correspondence with the authorities at Washington has always expressed a willingness to enter into any arrangement of equitable reciprocity which they might propose or which they would accept at our hands. On all occasions, however, they resisted any proposition made to them except on one condition, viz. : that the American wrecking companies and American tug owners should have the right to come into Canadian waters to save the property not only of their own vessels but of Canadian vessels whenever the opportunity presented itself."

The position taken by the Government was that this was a one-sided reciprocity. If it was one-sided reciprocity then, is it not one-sided reciprocity now ? How magnanimous the Government of the United States has been towards us since ! They enforce their alien labour law ; they prevent our sailors from going on board their vessels ; they passed the McKinley Bill, and now, after they have struck us on one cheek, we are to turn to them the other. Further on Mr. Bowell continues :

"Well, the position taken by the Government was this : that this was a one-sided reciprocity from the simple fact that the larger number of vessels plying on the upper lakes, and on that particular part of the north coast where wrecks mostly take place, are American bottoms, and such an arrangement would be giving almost a monopoly to the American tug owners. I can easily understand why the letter read by the hon. member for Prince Edward Island should have been written by the secretary of the board of trade. We are constantly receiving complaints from that section of the country, and I think I can safely say that nineteen out of twenty of these complaints have emanated from parties interested in the wrecking companies, that in fact the underwriters and tug owners are the men who have the most to gain by doing that kind of work in our waters. The case to which my hon. friend from Hamilton referred was that of a vessel which had been stranded on our shores and from the coldness of the weather some of the passengers and crew had been frozen to death. It was represented to the American Government by those interested in the case that on account of the Order which had been issued by the late Government the wrecking tugs of the United States were prevented from going to the rescue of these unfortunate people."

This affidavit has done duty for many years at Washington and England, and which the member from Frontenac quoted in the House a few years ago, yet what was the effect ? The papers before the House prove that the vessel was wrecked and those lives were lost months before the predecessor of the Minister of Customs had issued the Order, and while the Americans had all the privileges they could possibly have, yet under our jug-handled policy they came to Canada and did what they liked. This boat was fined $400 for towing out of the harbour. Mr. Bowell continues :

"What is the fact ? The papers laid before this House proved that this vessel was wrecked and that these lives were lost months before my predecessor issued the Order. Besides, the people and property saved from that vessel were saved by my hon. friend from Monck (Mr. McCallum) and those who owned the tugs, which he at that time controlled.

* * * * * *

"Now it seems to me that both the newspaper and a good many members who have discussed the question, do not draw a distinction between a wrecked vessel and a vessel that had gone ashore and may be wrecked unless assistance comes to her. The interpretation of the Customs laws and all laws relating to wrecked vessels is simply this: A foreign vessel may be wrecked on your shore, she may contain thousands of dollars worth of property subject to Customs duty, and unless that is looked after by the Customs officers at any moment it may be scattered all over the country, and the revenue is defrauded. That is the only object really that that first Order had in view."

There is another Minister of the Crown (Hon. Mr. Patterson) who was not at that time in the Cabinet, but was a member of Parliament, who expressed himself in the same line. I do not know whether his going into office has changed his opinion on this subject, but I feel satisfied that he has not. On the 22nd December, 1880, that hon. gentleman said:

"When they talk about reciprocity in wrecking they talk about something which is unreasonably absurd. The character of the coasts of our inland waters is such that accidents to vessels mostly happen upon Canadian waters and the Americans wish to have a reciprocity treaty which would give them all and give us nothing in return."

That is why I say to-day that we would be giving away by this Bill—even if the Americans would carry the arrangement out in good faith—one dollar in order to get ten cents. That gentleman also said:

"If there is to be a reciprocity at all let it be a real reciprocity, not only in wrecking but in towing in American or Canadian waters; let us have also a reciprocity with regard to customs regulations so that the heavy tonnage dues which they now charge upon vessels engaged on the inland marine should be more fairly balanced. At the present time the American Customs authorities charge Canadian vessels more than double the dues for entrances and clearances than they charge vessels sailing under their own flag. When they are ready to meet us half way in regard to these matters I am qnite sure that our inland marine will be happy to consent to a reciprocity in wrecking regulations also. But it would be wrong for our Government to agree to a reciprocity which would drive out of the wrecking industry a number of tugs which have been constructed at a great expense and fittted up with every suitable appliance for the efficient conduct of the business in which they are engaged.

* * * * * *

"Mr. Evarts goes on to refer to the efforts which, as he says, have been made by the United States to obtain reciprocity in this matter. I trust that the hon. the Minister of Customs will cause the enquiry to be made which I have asked for. This is a matter, perhaps, which does not affect may members in this House but it affects materially many of my constituents, and it is a matter which deserves the consideration of the Government. If the Government have been led away by misrepresentations in granting the concessions which the Mackenzie administration declined to grant I hope those concessions will be withdrawn. As matters stood under the late Minister of Customs everything that could be desired for the protection of life and property was granted, and it would be very unsatisfactory to those interested and to the Canadian marine to have any further concessions or indulgences granted to United States wrecking vessels in Canadian waters without something being granted to our vessel owners beyond the mere privilege of being allowed to rescue wrecks in our own waters."

Hon. Mr. ABBOTT—I do not think that my hon. friend's argument is one which should prevail against this Bill, because I do not find that his reasons are in every degree as logical as they usually are on such occasions.

Hon. Mr. McCALLUM—Well, show us the want of logic.

Hon. Mr. ABBOTT—My hon. friend says we are ill-treated in respect to our workmen by the United States, that our men are excluded from their country, and from their ships on the lakes unless they are willing to become United States subjects. All that is very true, and I do not approve of that proceeding any more than my hon. friend does. I think it is a mistaken policy, and an unfriendly policy, on the part of the United States to make such provision with respect to the interchange of labour between the two countries, but I hope my hon. friend does not pretend to say that such treatment as that is a justification for non-intercourse with our friends on the other side of the line. If my hon. friend's argument is a good one it should go as far as to hold that we should have no dealings with them at all, because it has no bearing on this particular subject any more than it has on the question of the bonding privileges, or the use of our canals, or the navigation of the St. Lawrence, or a good many other subjects on which we manage to get along on fairly amicable terms with our friends, and I hope derive mutual benefit from the course of trade and business between the two countries. I do not think my hon. friend's argu-

ment that they use us ill in one particular, or in two or three particulars, is a good argument for saying that we should not make a reasonable arrangement with them on some other subjects. I must protest against any idea that we are going to act in that way. Notwithstanding that they act contrary to our wishes in respect to our people who go across the line for work, if we can make an arrangement that is good and advantageous with them on any other subject I do not think we should shut ourselves out from doing so. I do not think we should be precluded from making an advantageous arrangement if we think proper to do so. My hon. friend says we are giving all and getting nothing. That is not the opinion of the representatives of the people. Of course, we all know our position here in the Senate: we are a check upon rash legislation, and critics of legislation generally. These are largely our functions—not altogether, by any means—but we have no precedent in this country, or in the corresponding House in Great Britain, for taking it upon ourselves to say that we should forever stand in the way of the popular will. If the wishes of the people are fairly and repeatedly expressed, it has been the custom in the House of Peers in England to yield and not perpetually obstruct them. Now, in this particular case there has been for a considerable time a strong feeling in favour of reciprocity in wrecking, in so far as we may judge of the feeling of the Dominion by the opinions expressed by its representatives. The House of Commons has, I think, twice passed this measure before this time, and sent it up here, and the Senate has rejected it.

Hon. Mr. McCALLUM—Rejected it twice?

Hon. Mr. ABBOTT—I think so.

Hon. Mr. McCALLUM—Only once.

Hon. Mr. ABBOTT—Well, the argument is just as good in one case as the other. The House of Commons has twice expressed its desire to pass this Bill and we have refused it once, as my hon. friend says, and now it comes to us a second time. There are some significant facts in connection with it which I think it right to mention, and which my hon. friend no doubt has observed himself. He quoted the opinion of the late Minister of Customs against this Bill, on the occasion of its passing the House below.

Hon. Mr. McCALLUM—It was since that it passed.

Hon. Mr. ABBOTT—My hon. friend quoted a speech of the late Minister of Customs on this question adverse to the principle of the Bill. Well, it is a significant fact that the late Minister of Customs is the gentleman who introduced this Bill in the other House, and so far as I understand, the late Minister of Customs on former occasions was not satisfied that there was any certainty that we should obtain in all respects reciprocal advantages from the United States. We proposed to pass a Bill without any previous understanding as to what they would or would not do. Since then we have had a discussion with the United States Government on the subject of this Bill, and the late Minister of Customs himself, who opposed the Bill on former occasions, really conducted the discussion which took place with respect to this Bill, and he satisfied himself that on one or two points, about which there had previously been some doubt, we would be strictly put on terms of equality with our neighbours in regard to wrecking. Towing, and the treatment of vessels by the customs authorities, were subjects on which it was not plain, until we had a direct assurance from the United States, that there would be perfect reciprocity between the two countries. These difficulties have been got over; the question has been discussed, and the United States Government professed themselves to be ready to arrange this reciprocity in wrecking entirely on the principle of absolute reciprocity between them and us. In order to be sure that no question can arise on this subject, as I pointed out when this Bill was read the first time, it provides that the Government shall be satisfied, before it is put into force, that arrangements have been made that absolute reciprocity shall be given us by the United States in all matters pertaining to wrecking, and, moreover, it goes on to provide that if after the Bill has come into force it should appear to the Government that the United States are not giving us absolute reciprocity in all respects, then our Government shall have the right to stop the operation of the Act by issuing a proclamation to that effect. So it is guarded at both ends. We make a provision now if there is to be reciprocity that it shall be absolute reciprocity—the same advantages

given that we offer. The Government take care that the Act shall not go into force before it is ascertained that arrangements have been made for that reciprocity, and they have taken care that if it is ascertained that reciprocity is not given us as promised, they shall have the power to stop the operation of the Act. My hon. friend is wrong in saying that nobody asks for the Bill, because the House of Commons has twice asked for this legislation.

Hon. Mr. McCALLUM—I did not say that nobody asked for the Bill.

Hon. Mr. ABBOTT—My hon. friend commenced his speech by saying: "Who asked for this Bill?" indicating that nobody desired it.

Hon. Mr. McCALLUM—The Americans have always asked for it.

Hon. Mr. ABBOTT—But my hon. friend was alluding to our own country, and that is my reply—that the people, through their representatives, have twice asked for it, and the men in whom my hon. friend expressed so much confidence and trust are the persons who, though they at one time opposed it, are now supporting the measure.

Hon. Mr. McCALLUM—My reason for it is that I want further explanations. I want to get something more.

Hon. Mr. ABBOTT—I remember my hon. friend said he wanted something more—that in addition to giving us all that we gave them they should give us some additional bonus or advantage besides an equivalent.

Hon. Mr. McCALLUM—They do not give us an equivalent, in my opinion.

Hon. Mr. ABBOTT—My hon. friend thinks the reciprocity is in their favour. It is possible there may be more wrecks on one side than on the other; that is the only way in which the reciprocity can be in their favour. The opinion of the people best fitted to know—the opinion of the people engaged in active business—seems to be almost universal in favour of this Bill.

The motion was agreed to, and the Bill was referred to a Committee of the Whole House.

Hon. Mr. McKAY, from the Committee, reported the Bill without amendment.

Hon. Mr. ABBOTT moved that the Bill be read the third time presently.

Hon. Mr. McCALLUM—I will not allow that Bill to go to the country without my name being recorded against it. I call for the yeas and nays.

The Senate divided on the motion, which was adopted by the following vote:

CONTENTS:

Hon. Messrs.

Abbott,	Macdonald (*Victoria*),
Allan,	Macdonald (*P.E.I.*),
Armand,	Miller,
Botsford,	Montgomery,
Boulton,	Pelletier,
Boyd,	Power,
Cochrane,	Prowse,
DeBlois,	Reid (*Cariboo*),
Dickey,	Robitaille,
Girard,	Sanford,
Glasier,	Scott,
Howlan,	Smith,
Kaulbach,	Snowball,
Landry,	Tassé,
Lougheed,	Vidal,
McDonald (*C.B.*),	Wark.—33.
McKay,	

NON-CONTENTS:

Hon. Messrs.

Almon,	Grant,
Casgrain,	McCallum,
Clemow,	Merner,
Flint,	Perley.—8.

The Bill was then read the third time and passed.

BOILER INSPECTION INSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (19) "An Act respecting the Boiler Inspection Insurance Company of Canada." He said: The Boiler Inspection Insurance Company of Canada is a company of some standing, but owing to the introduction of electricity as a motive power they find it necessary to amend their charter to cover machinery that is operated by it. The promoter of the Bill will be present in committee and will give any necessary explanations.

Hon. Mr. KAULBACH—Have the company power in the old Bill to do life insurance?

Hon. Mr. LOUGHEED—That I am not prepared to say.

Hon. Mr. SCOTT—It is purely a boiler inspection company.

The motion was agreed to, and the Bill was read the second time.

BELL TELEPHONE COMPANY'S BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (41) "An Act respecting the Bell Telephone Company of Canada." He said: By this Bill the Bell Telephone Company ask simply for power to increase the capital stock of the company under the conditions of the original charter. Powers have been given to the company from time to time as their business enlarged, and owing now to the construction of what is called "long distance" lines and the necessity of putting in metallic circuits, it involves more capital than it did when the company was originally organized.

The motion was agreed to, and the Bill was read the second time.

NOVA SCOTIA STEEL AND FORGE COMPANY'S BILL.

SECOND READING.

Hon. Mr. DICKEY moved the second reading of Bill (30) "An Act respecting the Nova Scotia Steel and Forge Company (Limited)." He said: This Bill asks for provisions ratifying and confirming the issue of letters patent, and supplementary letters patent, to the Nova Scotia Steel Company in the Province of Nova Scotia. It also asks to ratify the change of name from the Nova Scotia Steel Company to The Nova Scotia Forge and Steel Company, because in addition to the operation of manufacturing steel they have added the other branch to their business. The chief requirements in the Bill are connected with the issue of shares, whether they shall be preferential or privileged shares, which is entirely a domestic matter, and no doubt will be fully inquired into by the Committee of Banking and Commerce, to whom I propose to refer the Bill.

Hon. Mr. KAULBACH—It seems to me that the preference share privilege is very great, allowing them to have 8 per cent. profit before the other shares will have any benefit at all, especially in a company of that kind, which requires inducements to get ordinary shareholders to come in.

The motion was agreed to, and the Bill was read the second time.

MONTREAL BOARD OF TRADE BILL.

SECOND READING.

Hon. Mr. LOUGHEED, in the absence of the hon. Mr. Ogilvie, moved the second reading of Bill (25) "An Act respecting the Montreal Board of Trade." He said: The object of this Bill is to increase the capital stock of the company so as to permit the building of a Board of Trade building in Montreal.

The motion was agreed to, and the Bill was read the second time.

THE CONVEYANCE OF CERTAIN ORDNANCE LANDS TO THE CORPORATION OF TORONTO BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (58) "An Act to authorize the conveyance to the City of Toronto of certain ordnance lands in that city." He said: This is a small tract of land in a suburb of Toronto, which it is proposed to sell to the city for the purpose of converting it into a cattle market. It is ordnance land, and of no use for any other purpose, and the price we are getting for it is a fair price, and I think there will be no objection to the Bill.

Hon. Mr. ALMON—I rise to call the attention of the leader of the House to a piece of ordnance land in the Province of Nova Scotia. I have received letters to-day from the town of Annapolis to say that the old fort there is falling to pieces. The old block house, which stood a seige when it was taken from the French in the reign of Queen Anne, has been torn down, and the other forts are falling to pieces. A small expenditure would keep these historic places in repair. They are of interest to all Canadians, and it is a pity to have them go to decay through neglect. Hon. gentlemen are all aware that Annapolis is the oldest town in English-speaking America, except St. Augustine, in Florida. I think these forts deserve a small expenditure of money to have them looked after. Now that the property is in the possession of the Dominion Government they ought to have it done.

Hon. Mr. ABBOTT—I shall have great pleasure in calling the attention of my colleagues to the subject of this fort.

The motion was agreed to, and the Bill was read the second time.

THE BENNETT DIVORCE CASE.

PETITION REPORTED ON.

Hon. Mr. KAULBACH moved the adoption of the Thirteenth Report of the Select Committee on Divorce *re* the petition of Robert Bennett. He said: This report recommends that notwithstanding the insufficiency of the notice in the papers, before the reading of the petition, the committee consider that sufficient notice has been given. The report is that the committee find the notice, petition, and Bill regular and sufficient in form. It further reports that the service of notice on the respondent is according to the rule of the House. It also states the fact that at the date of the presentation of the petition the six months' notice had not been complied with under rule "D," but that the six months' notice had expired since the presentation of the petition. They further find that by reason of the notice having been served, as required by the rules of the House, on the respondent, that therefore there is no injury done to the parties—that the respondent being regularly served and not having appeared or made objection, that the rule respecting the publication of the notice should therefore not be strictly enforced. Although I approve of the finding of the committee I consider in all these cases where the party does not appear, when the respondent is a female, we should be more cautious in our proceedings than when the respondent is a man. We know that a female may have many reasons why she could not appear—that she may not have the necessary means to come before Parliament and defend her case. Therefore, for the reasons given I am not in favour of adopting this report; but I am in favour of adopting the report for this reason: that during the whole session we have not complied strictly with the rules in those cases—that we have allowed petition after petition to be presented here when the rule has not been complied with, and this being the last case I consider we should not be doing justice to this petitioner if we made an exception in this petition. Still, I maintain that our rules should be strictly complied with in all cases. If the rules are bad they should be abolished. If they are too harsh we should modify them, but if we are to have rules, and have them the exception to the practice, which is the fact, because we do not comply with them, the sooner they are changed the better. It is evident to me that it is largely owing to the neglect of counsel that rules are departed from. They really suppose that we do not intend to adhere strictly to our rules. I think we should stick to rules as closely as any court of law. As this is the last of the cases that are to come up this session, and as in the previous cases we have not enforced the strict rule, but have allowed petitions to be put in without the formalities all being complied with, it would not be right to enforce it in this case.

The motion was agreed to, and the report was adopted.

BILLS INTRODUCED.

Bill (J) "An Act for the relief of Robert Bennett." (Mr. Clemow.)

Bill (37) "An Act respecting the Lake Manitoba Railway and Canal Company." (Mr. Dickey.)

Bill (33) "An Act respecting the Wood Mountain and Qu'Appelle Railway Company." (Mr. Sanford.)

Bill (11) "An Act respecting fishing vessels of the United States." (Mr. Abbott.)

Bill (13) "An Act further to amend the Steamboat Inspection Act." (Mr. Abbott.)

The Senate adjourned at 4.40 p. m.

THE SENATE.

Ottawa, Monday, May 2nd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE HARRISON DIVORCE CASE.

PETITION REPORTED ON.

Hon Mr. KAULBACH, from the Select Committee on Divorce presented the Sixteenth Report on the petition of Hattie Adele Harrison, praying for a Bill of Divorce. He said: It seems since the institution of these proceedings the respondent has changed his domicile, and his whereabouts at present cannot be ascertained. There is evidence of that fact before us, and the committee consider that service on the parties who ought to know his whereabouts will be sufficient notice. I move the adoption of the report.

Hon. Mr. POWER—I should like to ask the hon. gentleman from Lunenburg whether the last abode of the respondent is known—his place of abode when the proceedings began ?

Hon. Mr. MACDONALD (B.C.) — It was Ottawa, I believe.

Hon. Mr. KAULBACH—Notice was served at Ottawa, but he has since removed, and he has not been in Ottawa since then.

Hon. Mr. POWER—It has occurred to me that the proper thing to do would be to send at least one copy of the notice to his last address here in Ottawa.

Hon. Mr. MACDONALD (B.C.) — He has been searched for everywhere and cannot be found.

The motion was agreed to, and the report was adopted.

WINNIPEG AND ATLANTIC RAILWAY BILL.

PETITION PRESENTED.

Hon. Mr. SANFORD presented a petition from the incorporators of the Winnipeg and Atlantic Railway asking leave to present a petition praying for an Act of incorporation.

Hon. Mr. POWER — The hon. gentleman cannot present a petition for a Bill until the petition asking to be allowed to present a petition has been reported upon by the Standing Orders Committee.

Hon. Mr. MILLER—Of course not.

Hon. Mr. SCOTT—This is a petition asking for leave to present a petition for a Bill, and it must be reported on by the committee.

THE MEAD DIVORCE BILL.

THIRD READING.

Hon. Mr. KAULBACH moved the adoption of the Fourteenth Report of the Select Committee on Divorce *re* Bill (C) "An Act for the relief of Herbert Rimmington Mead." He said : This is a report on the evidence taken before the Select Committee on Divorce, to whom this case was referred. I may say that the committee are unanimous in their report, finding that the parties were married in 1882 ; that they lived together and had issue of the marriage, and that the offence charged in the petition and Bill against the respondent are proven. I may say, myself, and I think I am in harmony with other gentlemen in this matter, that the evidence up to that of the last witness was not conclusive in the minds of some members of the committee. It did not impress them beyond a doubt as to the culpability of the respondent. To my mind much of the evidence was not of the character that should have been introduced, and the best evidence was not produced, and some evidence was not submitted that should have been ; but the evidence of the last witness, he being a next neighbour to the parties who are intended to be separated by this Bill, though not proof of the charges alleged, yet the incidents and coincidents given in evidence by him were quite consistent with what would be the conduct and deportment of an adulteress, and therefore was confirmatory to a large extent of the evidence of the other witnesses.

The motion was agreed to on a division.

Hon. Mr. PERLEY moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time on a division.

BUCKINGHAM AND LIEVRE RIVER RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (H) "An Act to incorporate the Buckingham and Lievre River Railway Company." He said : This line passes through a mineral country. The large phosphate establishments in that section of Ottawa County find that owing to the competition of the Carolina and Florida phosphates, it is absolutely necessary that they should have some cheaper means of transport, otherwise they will be obliged to close their mines. These gentlemen have invested a large amount of money in their industry and now are ready to invest still more for the purpose of providing railway facilities, which have become absolutely necessary.

The motion was agreed to and the Bill was read the second time.

ORDNANCE LANDS TRANSFER BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (58) "An Act to authorize the conveyance to the Corporation of the City of Toronto of certain Ordnance lands in that city."

Hon. Mr. BOYD, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THE ST. JOHN AND MAINE AND THE NEW BRUNSWICK RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. BOYD moved the second reading of Bill (57) "An Act respecting the St. John and Maine Railway Company and the New Brunswick Railway Company." He said: The object of this Bill is to authorize certain financial arrangements between these two companies. They desire that the amounts which are now paid between them, which are variable, shall be a fixed sum.

The motion was agreed to, and the Bill was read the second time.

THE QU'APPELLE, LONG LAKE AND SASKATCHEWAN RAILROAD AND STEAMBOAT COMPANY.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (53) "An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company." He said: This company was authorized to build a railway from Regina to some point on the North Saskatchewan. A very considerable part of the line has been built, but some of the branches are still uncompleted, and the Bill asks for an extension of time for the building of the railway.

Hon. Mr. POWER—Do I understand the hon. gentleman to say that the main line has been completed?

Hon. Mr. SCOTT—The objective point fixed in the original Bill was on the North Saskatchewan. I do not know where that particular point was, but the line has already been completed as far as Prince Albert.

The motion was agreed to, and the Bill was read the second time.

THE LAKE MANITOBA RAILWAY AND CANAL COMPANY'S BILL.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (37) "An Act respecting the Lake Manitoba Railway and Canal Company." He said: The object of this Bill is sufficiently explained in the preamble—it is to extend the time for the commencing and completing of the work.

Hon. Mr. POWER—Has this company any land grant?

Hon. Mr. GIRARD—I suppose they must have the same privileges that are given to other companies, but I am not in a position to furnish any explanation.

Hon. Mr. POWER—The question is one of considerable consequence, because the feeling is growing in the North-West that lands have been given away in rather a prodigal manner to these corporations. The general sentiment is in favour of retaining the lands in the hands of the Government instead of putting them in the hands of companies which lock them up for several years. It appears that this company—according to the statement of the hon. gentleman—has not done any work yet, and it is a matter for consideration whether the grant should be continued or not.

Hon. Mr. GIRARD—It is well understood that the lands will only be granted when the work is completed. It is a very important matter to the North-West to have these railroads and public works constructed. The Government has guarded carefully the public lands of Manitoba. When the Bill goes to the Railway Committee a satisfactory explanation will be furnished of all the details of the measure, and the House will agree with me that it will be more convenient to postpone the discussion of these details till then.

Hon. Mr. KAULBACH—I do not agree with the hon. member from Halifax that there is a general feeling in the North-West that the public lands have been improvidently disposed of by the Government. On the contrary, the impression prevails that it is better to dispose of the public lands in that way than to have them locked up in the hands of the Government. The capitalists who put their money into these enterprises require assistance, and no better bonus can be given than the public lands, which in that way are more rapidly settled than they would be if held by the Government.

Hon. Mr. BOULTON—I do not understand that the extension of the charter revives the land grant.

The motion was agreed to, and the Bill was read the second time.

SECOND READING.

Bill (33) "An Act respecting the Wood Mountain and Qu'Appelle Railway Company." (Mr. Sanford.)

TENANT FARMERS' REPORT.

ENQUIRY.

Hon. Mr. BELLEROSE—Before the House adjourns I should like to ask the hon. Premier whether the Government can give an answer to a matter that was settled last session: Last year the question of printing and distributing the report of the Tenant Farmers was before the House, and it was decided that a French translation of the report would be made and distributed to members. I have not heard of it since, and I have not heard that there is to be any distribution. I would like to ask the Government if they intend to fulfil their promises in this respect, or if they have changed their opinion?

Hon. Mr. ABBOTT—The matter was settled last session by the Printing Committee. They ordered the printing of 50,000 copies, part in English and part in French—I think two-thirds English and one-third French—for distribution. Those that were previously issued were printed and distributed in England. The printing of the 50,000 copies was put into the hands of the printers long ago, but in consequence of the printing of the voters' lists and other things that have occupied the attention of the printer very engrossingly since, they have not yet been issued. Instructions were sent to the Printing Bureau the other day to hurry them up as quickly as possible.

BILL INTRODUCED.

Bill (51) "An Act to incorporate the Canso and Louisburg Railway."

Hon. Mr. MILLER—The Standing Orders Committee have not reported on the petition for this Bill yet, but I believe they will do so to-morrow. The petition was presented yesterday, but evidence was not given as to the publication of the notice. Awaiting the report of the Committee on Standing Orders I move the second reading of the Bill on Wednesday next.

The motion was agreed to, and the Bill was ordered for the second reading on Wednesday.

The Senate adjourned at 3.55 p.m.

THE SENATE.

Ottawa, Tuesday, May 3rd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (19) "An Act respecting the Boiler Inspection and Insurance Company of Canada." (Mr. Allan.)

Bill (30) "An Act respecting the Nova Scotia Steel and Forge Company (Limited)." (Mr. Dickey.)

Bill (31) "An Act respecting the 'Globe' Printing Company." (Mr. Scott.)

Bill (25) "An Act respecting the Montreal Board of Trade." (Mr. Ogilvie.)

Bill (32) "An Act to incorporate the Woman's Baptist Missionary Union of the Maritime Provinces." (Mr. McKay.)

BILL INTRODUCED.

Bill (18) "An Act respecting certain Railway works in the City of Toronto." (Mr. Allan.)

INTERNAL ECONOMY OF THE SENATE BILL.

SECOND READING POSTPONED.

The Order of the Day being read—Second Reading Bill (I) "An Act respecting the Internal Economy of the Senate,"

Hon. Mr. ABBOTT said: I do not think the House has had sufficient time to consider this Bill yet. It is one of great importance, and one which affects the internal economy of the House, and the House generally, equally members of all parties and shades. I move, therefore, that this Order be discharged, and that the second reading be set down for Tuesday next.

The motion was agreed to.

SECOND READING.

Bill (49) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company." (Mr. Sanford.)

THE *MODUS VIVENDI* BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (11) "An Act respecting fishing vessels of the United States." He said:

This Bill is merely to continue the *modus vivendi* of which we have heard a good deal during the last three or four years, but it is proposed to remove the necessity for coming to the House every year with this measure and to give the power of granting licenses to the Governor in Council. That is the object of the Bill. In all other respects it is the same as the measure of last year.

Hon. Mr. KAULBACH—The hon. Premier has not stated the reason why this privilege granted to the United States should be extended. I do not know if there is any anticipation of the negotiations between Canada, Great Britain and the United States of 1888 resulting in a satisfactory agreement. At the time the arrangement was considered, even by the President of the United States, as being a fair and equitable disposal of the controversy between the two countries, and he then awaited its confirmation by Congress. The *modus vivendi* was established for that purpose, in order that any unpleasantness that might occur in maintaining our rights on our own shores should be avoided. It certainly was not looked upon favourably at the time by the fishermen on our own Atlantic coast, but considering that the arrangement was of a temporary character it was agreed to. From 1888 up to now this temporizing policy has been continued from year to year, and it seems now that there is rather a tendency by this Bill to continue it indefinitely, which is certainly a policy that is antagonistic to the interests of our fishermen. It is sacrificing the interests of our fishermen largely for a paltry license, and when we consider the unpleasant position of our fishermen with Newfoundland on the one hand, and the United States on the other, it is not advisable to extend this privilege beyond what is a reasonable term, when it is not anticipated that some arrangement shall be made with the United States. If there is no anticipation of such a settlement I can see no reason why this temporizing policy should be continued. It is quite evident that our fishermen are very much handicapped by this *modus vivendi* as well as by the position Newfoundland has taken against us. If it is considered a wise policy to extend this arrangement for another year, I hope it will not be for a longer period. I am not favourably disposed towards this Bill, and unless our Government take active measures to defend the rights of our fishermen our great fishing industry will be paralysed and destroyed. Last year, in consequence of the hostility of Newfoundland in granting illegal licenses to the United States, to the exclusion of our fishermen, the interests of our fishermen were very much injured. I hope the Government will consider this matter not as intended to be a continuance of this policy but simply to tide over this year, as I presume they have already granted licenses in anticipation of this Bill being sanctioned by the Legislature.

Hon. Mr. MILLER — There is no doubt a good deal of force in the remarks of the hon. gentleman from Lunenburg, and the Bill before the House should be considered in two aspects. In the first place, the Bill for a *modus vivendi* as the name implies was only intended as a temporary expedient to tide over difficulties with the United States, pending negotiation, in the hope of a treaty with that country. I think with the hon. gentleman, that if there are no chances of a satisfactory treaty being negotiated with the United States in regard to our fisheries that then the subject of the terms upon which the American fishermen shall be admitted to our waters should undergo the consideration of Parliament. I would not consider, if this arrangement is to be a permanent one, that it is at all satisfactory to our fishermen. We are getting no equivalent in return for the great advantages we are giving to a foreign country. I fear that while the present party is in power in the United States—the Republican party that has shown so little desire to have any friendly negotiations or relations with this country—that it is almost useless to expect any treaty with regard to our fisheries that will be satisfactory or just to our people. However, there is a very important fact to be considered : in that country they are on the eve of what we would call a general election ; they are on the eve of the Presidential election, which may have a very important bearing upon this question, and upon our general relations with our neighbours. We all know that under the Government of Mr. Cleveland, while the Democratic party were in power in the United States, a good treaty was negotiated between the Government of Canada and the Government of the United States in regard to our fisheries. That treaty was sent to the Senate with a very strong recommendation from the President of

that day, Mr. Cleveland, but, as you are all aware, it was rejected by the Senate of the United States. Therefore, in view of the possibility, some people think the strong probability, of that party coming into power in the next year, I consider it is wise that we should keep this *modus vivendi* open in anticipation of possible future events. I think, therefore, the Government are justified in asking the House to give them power to continue this arrangement for perhaps a year or two longer. Now, if the *modus vivendi* is extended at all, it is necessary, as the hon. gentleman from Lunenburg knows, for he is intimately acquainted with this industry, that the Government should have this power of putting it into operation at a suitable time. For instance, if we are called upon to pass a Bill of this kind every year, Parliament may not be able to do it in time to grant these privileges to American fishermen, as occurred last year. The Bill authorizing the Government to issue licenses to American fishermen last year was not passed until a very large number of licenses had been granted by the different Customs officers in the Maritime Provinces in anticipation of the Act. The Bill should have been law before now, in order that the Customs officers round the coasts should be empowered to grant these licenses, for vessels are at the present time visiting the fishing grounds and demanding licenses. Therefore, I say it is perhaps wise, in order to maintain the friendly policy that we have been maintaining towards the United States on this great question during the last few years, to give the power asked by the Government in this Bill. I think until we change our policy we should not refuse to give power to the Government to issue these licenses as circumstances may require.

Hon. Mr. VIDAL—I think if this power is given to the Government it does not take anything away from the power or control of Parliament. Parliament meets from year to year, and if the exercise of the power given by this Bill does not give satisfaction Parliament will immediately repeal the law, so that there is really an annual renewal.

Hon. Mr. POWER—The hon. gentleman seems to think it very easy to repeal an Act of this Parliament, but I think the hon. gentleman will find, if he undertakes to repeal an Act of the present Parliament, against the wishes of the present Government, that he has undertaken a rather serious contract. I agree with what has been said by the hon. gentleman from Lunenburg, and with most of what has fallen from the hon. gentleman from Richmond. I do not agree with all that he has said, because the only reason which he gave for handing over to the Government the power to continue to grant licenses was that there was a presidential election coming off in the United States and it would be well to temporize and keep the Americans in good humour until the elections were over. Now the elections take place this fall, and consequently the necessity for this temporizing and conciliatory policy closes this year, and if the matter had not been placed in the hands of the Government we should be able next year and should be obliged to deal with the question. When we pass this Bill the Government will not be, naturally, I presume, anxious to introduce a subject likely to give rise to difficulty before Parliament, and the probabilities are that this *modus vivendi* will go on for an indefinite time. Now, I have always felt—I felt at the close of the session of 1888, when it appeared that the United States Senate had refused to assent to the treaty—I felt then, and I have felt ever since, that this Parliament should not have finally passed the *Modus Vivendi* Bill. The United States Senate had refused to assent to the Washington Treaty of 1888 before our Parliament was prorogued that year and before the Bill had been assented to; and I think that the manly and wise course for the Canadian Government to have taken then would have been to have advised His Excellency not to assent to the Bill. It is all very well to conciliate your neighbours, but I think that we owe a duty to ourselves before any duty which we owe to our neighbours, and that while we respect the rights of our neighbours we should respect our own rights too. Now, I look upon our territorial waters as being the property of Canada as much as the soil of the country is. An hon. gentleman who sits near me says that the waters of the Maritime Provinces are of as much value, or nearly as much value, as the land. Now, suppose two men own adjoining properties—lands—and one is very unreasonable and will not agree to make any arrangement by which the two neighbours can live together satisfactorily—suppose some temporary arrangement is made and the one proves obstinate and unreasonable and will

not make any satisfactory agreement of a permanent character—would it be a wise course for the other man to pursue to allow this unreasonable man to have the privileges which he would have enjoyed if he had not been unreasonable ? Should a man who owns a rich pasturage, for instance, take down his fences and allow his unreasonable neighbour to pasture his cattle there until he could make up his mind to enter into a fair arrangement ? That is not the way to bring about an arrangement. I believe that if Canada had exercised her undoubted rights with respect to the fisheries in the Lower Provinces in 1888, and for a year or two afterwards, the United States Government would have come to some arrangement before this ; but there is no inducement to them to make an arrangement which will be satisfactory to us when they get nearly all they require without giving us anything. We are asked year after year to become parties to this transaction of giving away something for nothing. I think it is a most unsatisfactory and undignified position for the Parliament and Government of Canada to be in. I do not think that we should be influenced by temper or anything of that sort ; but, when we consider the way in which we have been treated in connection with the Behring Sea fisheries by the United States Government, I cannot understand our acting as much as we do on the scriptural advice to turn the other cheek to the smiter. When we are stricken on the Behring Sea, we turn the other cheek and allow the Americans to smite us on the Atlantic. How has the United States Government acted in connection with the Behring Sea matter ? An arbitration is about to be held with respect to that subject and the Americans propose a *modus vivendi*. Do they allow our fishermen to go—not in their waters, but into the waters of the open sea, to which our people have just as much right as the Americans have—and fish there pending the negotiation of this treaty ? Not at all. Their *modus vivendi* is that the Canadian vessels shall be seized in the open sea while the treaty is being negotiated. Now, four years after the Americans refused to ratify the Washington Treaty of 1888, and when the treaty is completely out of the question, we are asked by this Government, who are so fond of posing as a Canadian and British Government, as an anti-American Government, to continue to the Americans the privileges which were granted only for the time being, and for a special purpose, and which, as I said at the beginning, as the treaty had been rejected before our Bill became law, should not have been granted at all. In one way I am rather glad that the Government are taking power to do this thing themselves, because I think it is a humiliating thing that Parliament should be called upon year after year to assent to this surrender of our rights.

Hon. Mr. ABBOTT—It is not so very long ago—a very short time, in fact, in the lives of any of us—since we heard from the other side of the House thundering denunciations of our conduct towards the United States because we had no *modus vivendi* and were enforcing our treaty rights.

Hon. Mr. POWER — The hon. gentleman never heard anything of the kind from me.

Hon. Mr. ABBOTT—We heard it from the party to which the hon. gentleman belongs. If anyone will take the trouble to look at the reports of the discussions on the subject, he will find that the strongest denunciations to which language could give utterance were directed against us for maintaining our rights as to the fisheries. Now, my hon. friend is thundering in the same tones against us for trying to keep the peace.

Hon. Mr. POWER—If the hon. gentleman will read the reports to which he refers he will find that I used almost the same language then that I have used to-day.

Hon. Mr. ABBOTT—Then the hon. gentleman will have personal consistency to boast of. I said that these denunciations came from the other side of the House, from the party to which the hon. gentleman belongs, and of which he is a distinguished member. Now, one of the great difficulties that arise from our being obliged to come before Parliament every time we desire to enter into such an arrangement as this with our neighbours, is the fact that we must explain our reasons for doing so. The Government think they have good reasons for trying to keep the peace, to preserve harmony as far as possible, to avoid pressing our extreme rights just now, and this is one question on which we think it most important to be done. It is the only subject just now in which it is necessary to act to preserve harmony between the two

countries, except a few minor matters arising out of the use of our canals and the like, concerning which we occasionally see threatening articles in United States newspapers, and in which we take very little stock. My hon. friend from Cape Breton gave one or two very excellent reasons for the desire of the Government to assume this power. It is perfectly true that this time last year when the licenses were to be granted, the Government could not wait until they had the sanction of Parliament, and they were forced to take the responsibility, which is not a proper or desirable one, and which is exceptional under our constitution, of issuing the licenses without authority until they could have the approval of Parliament. There was another reason which my hon. friend gave, and which also has very great weight. We did effect a reasonable arrangement with the United States by a convention with respect to our fisheries, that is to say we obtained a preliminary agreement for a convention which was afterwards refused ratification by the United States Senate. That was obtained from a party different from that which now holds power in the United States, and although we have no hostility to the party now holding power in that country, and although I most positively disclaim any such sentiment towards the neighbouring country as that attributed to our Government, by the assertion that it is anti-American in its tendencies—we have never said so or thought so—still there is, perhaps, more probability of making some arrangement of the kind that we desire with the party which may succeed the present party, than with the Government of the day. It is therefore only reasonable that we should avoid becoming—what is it ? Semi-barbarous, as practicing the cruelties of the middle ages —these were the expressions we heard last year—at all events until after the next Presidential election, by which time if we exercise our rights as fully as the hon. gentleman desires we should, the feelings of our neighbours would be so exasperated that no arrangement would be possible. It is, therefore, much better that we should leave matters as they are. I understand that they are not producing any special hardship among our fishermen. I do not understand that there are any complaints, or at all events, any serious complaints, from our fishermen as to the operation of this *modus vivendi* on their interests. I say, therefore, it is better that we should avoid any complication or dispute with our neighbours for the moment, while this and other matters of importance are pending between the two countries, than to plunge ourselves into disputes of a serious character—that kind of serious character which produced much exasperation between the two countries three or four years ago. These are reasons sufficient for passing this Bill, and if we are to continue these friendly relations with the United States it is better that we should do so without being obliged to come to Parliament, and proclaiming to all the world what particular advantages we expect to obtain, for disadvantages we expect to avoid by renewing the *modus vivendi*. There are some advantages to ourselves to be derived from continuing this *modus vivendi*, but I would prefer not to state them now. I see no reason for putting our neighbours in possession of all our motives for carrying on the business of the country in the manner we propose to do.

Hon. Mr. POWER—As reference has been made to what I said, I may be permitted to read an extract from my remarks——

Hon. Mr. ABBOTT—I made no reference to what my hon. friend said.

Hon. Mr. POWER—The hon. gentleman spoke as though I had taken a line inconsistent with what I had said before. I wish to quote the following from my remarks on the treaty in 1888 :—

"We should uphold our rights and respect the rights of others. A one-sided comity is not a desirable thing. * * * If our friends to the south of us display reasonable comity to us we should be prepared to reciprocate and do a little better ; but I do not think that all the comity should be on one side. * * * It is a very good thing to be christian and to be philanthropic, but I doubt if christian philanthropy is the best quality that a Government can possess when dealing with a people and a Government like those to the south of us. It might be better to possess other qualities."

I took just the same line in 1888 that I take now.

Hon. Mr. KAULBACH—With regard to serious complaints by our fishermen, they may not have been openly made, because the fishermen have all along felt that an amicable settlement would be effected. They have

been told year after year that there was some reason why the *modus vivendi* should be continued; but that they have suffered long and are kind I deny, because they feel it, and feel it very keenly. I know before the last general election the feeling was very strong that this *modus vivendi* should not extend beyond another year, and I anticipated then that by this time the difficulty would have been arranged.

The motion was agreed to, and the Bill was read the second time.

STEAMBOAT INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (13) "An Act further to amend the Steamboat Inspection Act." He said: This Bill deals with a large number of details in respect of steamboat inspection. I do not know that I shall benefit the House very much by endeavouring to go into all the details that are changed, for, in point of fact, it is nothing more than a series of amendments of former clauses of the Steamboat Inspection Act. I would submit to the House that we should be able to discuss them very much better in a Committee of the Whole House. Every clause has a different object in view, and many of them make merely verbal or comparatively small alterations in steamboat inspection. It might be said in a general way that it is to facilitate the operation of the Steamboat Inspection Act, to remove some difficulties that have occurred in consequence of the constant progress that is made in the construction and working of steamboats and to make better provision as to the boats and life-boats carried by steamers, with regard to the certificates of engineers, the action of a master as engineer of his own vessel and so on. I shall be prepared to discuss every clause before a Committee of the Whole House.

Hon. Mr. KAULBACH—It relates principally to passenger steamboats.

Hon. Mr. ABBOTT—There are some provisions with regard to passenger steamboats. For instance, there is a provision as to the carrying of more passengers than the inspected carriage capacity of the vessel, and the penalty is provided. That did already exist in the present Inspection Act, but the clause is modified and the penalty for doing it is increased.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 4.30 p.m.

THE SENATE.

Ottawa, Wednesday, May 4th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ENFRANCHISEMENT OF WOMEN.

PETITION PRESENTED.

Hon. Mr. VIDAL—I have had the honour of having handed to me for presentation to the Senate a petition signed by 20,000 persons, from all parts of the Dominion. If the House will permit me I will read the petition, in order to set before them immediately the object which these people have in view:—

PETITION FOR THE ENFRANCHISEMENT OF WOMEN.

To the Honourable the Senate of Canada:

May it please your Honourable Body: The petition of the Women's Christian Temperance Union of the Dominion of Canada and the undersigned residents of the several Provinces of the Dominion of Canada humbly sheweth:

That Whereas, Canadian Government is founded on the principle of representation by population,

And Whereas, the women of Canada compose at least one-half of the entire population, and in their various spheres and occupations contribute to the growth and upbuilding of the nation;

And Whereas, in the homes and schools of Canada, in the great movements of philanthropy and all moral reform, in temperance and missionary efforts of every sort, Canadian women have laboured unceasingly to inculcate the highest and noblest principles of human conduct, thereby promoting the purest patriotism;

And Whereas, in mental and moral power, educational attainments and industrial effort, the average woman equals the average man, and in all that constitutes true and natural citizenship, viz.: intelligence, industry, love of home and country, the power to produce wealth, and to share the national burdens, the average woman has proved herself equal

to the average man ; and whereas, the school and municipal suffrage granted to women in some of our Provinces, in England, and some of the American States, have been attended with most beneficial results ;

Therefore, the undersigned petitioners, residents of the several Provinces of the Dominion of Canada, hereby declare their conviction that woman's disenfranchisement should cease ;

That the test of sex in citizenship is a gross injustice to half the people, and a direct violation of the principles of representation by population ;

Therefore, your petitioners humbly pray your honourable body to pass a measure providing that the rights of citizenship shall not be abridged or denied on account of sex, but that the right to vote at elections for members of the House of Commons shall be extended to the women of the Dominion on the same terms as the men. And your petitioners, as in duty bound, will ever pray.

The petition was received and laid upon the Table.

THIRD READINGS.

Bill (29) "An Act respecting the Nipissing and James Bay Railway Company." (Mr. Lougheed.)

Bill (57) "An Act respecting the St. John and Maine Railway Company, and the New Brunswick Railway Company." (Mr. Boyd.)

Bill (53) "An Act respecting the Qu'Appelle, Long Lake and Saskachewan Railroad and Steamboat Company." (Mr. Scott.)

Bill (37) "An Act respecting the Lake Manitoba Railway and Canal Company." (Mr. Girard.)

Bill (33) "An Act respecting the Wood Mountain and Qu'Appelle Railway Company." (Mr. Girard.)

THE BELL TELEPHONE COMPANY'S BILL.

THIRD READING.

Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (41) "An Act respecting the Bell Telephone Company of Canada," without amendment.

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Mr. BOULTON—I should like to have the third reading of the Bill postponed until to-morrow, and to give notice that I will move an amendment at the third reading that the stock be fixed at three millions of dollars instead of five millions of dollars.

Hon. Mr. SCOTT—It is too late to give notice now. Of course, if there was any substantial amendment required in the interest of the shareholders or of the public, I should have no objection to postpone the third reading, but unless some good reason is shown why this Bill should be selected to be held over, I think the third reading should take place now. The Bill was thoroughly discussed at the meeting of the committee this morning, and the hon. gentleman took exception to the amount of capital to be authorized. The company was incorporated in 1880, and was obliged to come two years afterwards for an increase of capital. Since then it has been obliged to get a further increase, and now, for the reasons which I explained before the committee, a still further increase is required. Owing to the great increase in electric light lines, it has become necessary for the company practically to double its capital inasmuch as metallic circuits must be put in wherever electric lights are used. The electric light current practically takes possession of the earth, and the return current on the telephone wires makes the human voice inaudible. It has therefore become necessary to put in metallic circuits, practically doubling the line. Then again, in Toronto, where an arrangement has been made to put the wires underground, the change involves the expenditure of a large amount of money. I am informed that in Toronto alone the outlay involved in putting the wires underground will amount to $300,000.

Hon. Mr. DICKEY—And that is only one city.

Hon. Mr. SCOTT—Only a small part of it, near the centre, so that hon. gentlemen will see that the proposition contained in the Bill is not unreasonable. Then it must be remembered that the Bell Telephone Company is now constructing long distance lines. You can, by means of a telephone, talk from this building with anybody in the City of Montreal. For this service a distinct line is required, wholly apart from the local lines. It is apparent that the amount asked for is not unreasonable, more especially as the increase is subject to all the conditions imposed by Parliament when the charter was granted in the first place—that is that the stock shall only be increased when it is authorized at a meeting of the shareholders especially called for that purpose, or at the annual meeting,

and the increase must be approved of by a two-thirds majority. For all these reasons it does not appear to me that there is any justification, in the interest of public policy, for refusing this concession to the company. Some gentlemen suggested that the Bell Telephone Company was becoming a monopoly but a telephone company must necessarily be a monopoly. You cannot have two telephone lines—it is absolutely impracticable. Opposition companies have been organized at different times. We tried it here in Ottawa and it has been attempted in Montreal, Toronto and other places, and what has been the effect ? It simply meant a mad competition and loss of money on both sides. I believe a considerable amount of money has been lost in Montreal in this way and eventually in all cases one line lives. The reason is that where there are two companies each subscriber must have two telephones. It is not like any other enterprise ; to make it a success everyone must have a telephone connected with a central exchange. It is not charged that this company is exacting a higher figure than the circumstances warrant. I am not aware that the amount paid on their stock in dividends has been large—I do not know what the exact rate has been, but I do not think it is higher than six per cent.

Hon. Mr. OGILVIE—Eight per cent.

Hon. Mr. SCOTT—I was not aware of what the rate was, but at all events it is purely a matter with the shareholders themselves, who have invested their capital in the company to say whether the stock should be increased to the extent authorized by this Bill. They are quite competent to take care of their own interests.

Hon. Mr. POWER—With respect to the merits of the matter I agree with the hon. gentleman from Ottawa ; at the same time if my hon. friend from Shell River wishes to move his amendment now he can do so. I do not think it is necessary to give notice of an amendment at the third reading of the Bill.

Hon. Mr. MILLER—A notice is necessary.

Hon. Mr. SCOTT—There is no doubt on that point that notice must be given.

Hon. Mr. BOULTON—I do not think the merits of the question will suffer by hon. members having a day to think it over. The full explanation that has been given by the hon. gentleman from Ottawa to the Senate was not given by the hon. gentleman to the committee this morning. If that full explanation had been given to the committee I probably would not have taken the action I have thought it my duty to take this afternoon ; although I do not think a discussion on the principle of the measure is bad at all in the interest of the legislation of the country. If the capital of the company is to be increased by three millions of dollars, to be expended in the improving of the facilities of the company for doing its public business, I would be the last man to raise my voice against it, but I do know that there is such a thing as raising more capital than is required by a company and distributing it amongst the shareholders in order to keep down their dividends to a certain limit. That is what leads to the unequal distribution of wealth that we see and hear of every day, and I think that in a country like Canada, which is rapidly growing in importance, these questions should be fairly discussed in order that we may build up our financial and commercial life on a sound basis. I presume that the company has power, under its charter, to issue bonds, and if they therefore wish to make these improvements they have the bonding power the same as they have in our railway and other companies. I feel confident that by the taking of one day to think over it no injustice will be done by this hon. House to the company that is seeking for this increase of capital at our hands.

Hon. Mr. KAULBACH—If an amendment is to be moved to a private Bill at its third reading notice has to be given in writing. I do not agree with my hon. friend from Shell River, who proposes to move in this matter, because I think if the profits of this company are so large that other people wish to put their capital into it, they should have the privilege to do so. As to the bonding privileges, I do not know why the company should issue bonds, if capital can be had and people wish to go into the enterprise. To say that they should mortgage their stock under such circumstances is not a reasonable proposition.

Hon. Mr. POWER — On the question of order, I think there is something more to be said. The point of order, no doubt, is well taken by the hon. gentleman from Ottawa, that an amendment cannot be moved to a private Bill without notice ; but after all the

rules and practice of the House are founded upon common sense and reason, and it is a perfectly fair and reasonable practice that a member of the House should have the privilege of moving an amendment to a private Bill at the third reading. When the Bill is read a second time the principle of the measure is approved, and that is all. A member may not be opposed to the principle, but he is opposed to some of the details, and he goes to the committee and tries to make an amendment which he desires to have adopted. The amendment is not made in committee, and surely the member has the right to take the sense of the House on his amendment. The rule of our House as laid down by Bourinot, which is the same as the rule of the House of Lords, is that without the consent of the House a Bill cannot be read the third time on the same day on which it is reported from committee, so that the hon. gentleman, if he is anxious to move his amendment, can put that rule into force against the third reading.

Hon. Mr. SCOTT—There was no amendment moved in committee.

Hon. Mr. MILLER—The usual course is when a Bill is reported without amendment to read it the third time, and if any gentleman desires to move an amendment, then he has to meet that motion by a request to the promoter of the Bill to allow it to stand over until his motion matures. That is not the course followed by my hon. friend from Shell River. He made no request to the hon. gentlemen opposite to allow the Bill to stand over, which is the usual course in order that he may have time to give his notice for some subsequent date. If he did not do that he has the right to move that the Bill be not now read the third time, but that it be read some time two or three days hence.

Hon. Mr. SCOTT—I do not understand that my hon. friend presses his amendment now ?

Hon. Mr. BOULTON—Yes ; I think the House should have the opportunity of thinking over this matter and discussing it.

The Bill was ordered for third reading tomorrow.

CANSO AND LOUISBURG RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MILLER moved the second reading of Bill (51) "An Act to incorporate the Canso and Louisburg Railway Company." He said : This is a Bill from the House of Commons to incorporate a company to build a railway from a point near the Strait of Canso, on the present line of the Cape Breton Railway, to the historic port of Louisburg. The corporators are men, I am happy to say, of substance and character in this country, and I am very much pleased indeed to see such men taking hold of the undertaking. The company purpose to build not only a railway to Louisburg but also to connect it with the railway system of the mainland, either by a steam ferry or by a bridge across the Straits of Canso, or by a tunnel. The project is a very large and ambitious one, and I hope, in the interest of that section of the country, it will be successful. If the Bill passes the second reading it will be referred to the Committee on Railways, where the details can be thoroughly examined. I have no doubt the gentlemen interested in the Bill, or some one representing them, will be prepared to give any explanations that may be required.

The motion was agreed to, and the Bill was read the second time.

RAILWAY WORKS IN THE CITY OF TORONTO BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (18) "An Act respecting certain railway works in the City of Toronto." He said : This is a Bill from the House of Commons, the object of which is to give effect to a certain agreement between the corporation of the City of Toronto, the Ontario and Quebec Railway Company and the Canadian Pacific Railway Company, and also between the Toronto Belt Line Railway Company and the corporation of the City of Toronto with respect to certain works called the Don Improvement Works. The schedules attached to the Bill relate to matters in dispute between the city and the roads, which have happily been adjusted.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 4.05 p.m.

THE SENATE.

Ottawa, Thursday, May 5th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

STANDARD TIME.

MOTION.

Hon. Mr. SULLIVAN moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all letters, communications and reports in the possession of the Government, having relation to the fixing of a Standard of Time, and which have been received subsequent to May, 1891.

He said: The subject of this is of great interest to Canada, peculiarly so, as Canadian scientists have taken such an interest in it, and have endeavoured to have the standard of time uniform throughout the world. It was first taken up by the American Association of Engineers eleven years ago, and from that time has been making progress. The United States held an International Congress in 1884, wherein twenty-six of the most civilized nations of the world were represented, and they made quite an advancement and improvement in it which led to its adoption by railroad companies. I do not know that it is universally adopted by many railway companies. It will be remembered that in 1891 the hon. Senator from Burlington brought in a Bill here which did not receive the assent of the House, and which was probably considered somewhat premature. It was brought in under the title of the Reckoning of Time Act. However, notwithstanding the advance which this system has made, there have been other gentlemen in the country who are opposed to it, and whose opinions it is necessary to hear before the House would be able to form a full opinion of the subject. It is only right that these gentlemen, distinguished in different branches of science, should be heard, and it is with the intention of eliciting from the head of the Government information, if any has been received since 1891, that I have submitted this motion, and also, to ascertain if there be any probability of the Government taking up the subject at some time in the near future.

The motion was agreed to.

BELL TELEPHONE COMPANY'S BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (41) "An Act respecting the Bell Telephone Company of Canada." He said: As I notice that it is proposed to move an amendment in reference to the question of increasing the capital stock, perhaps the House will understand the subject better if I merely refer to the increases that Parliament has authorized before. This company was incorporated in 1880 with a capital of $500,000. In a very short time it was found that the capital was entirely inadequate, and in 1882 the company came to Parliament for authority to issue bonds equal to the amount of this capital stock. Acting on that authority, the company issued ten year bonds, bearing 7 per cent. interest for this half million of dollars. Their borrowing power by debenture has, therefore, been exhausted. These bonds will mature in a few months, and part of the new stock will be required to take up that half million of bonds. Even with that increase of half a million the capital was found to be entirely unequal to the necessities of the company, and in 1884 the company had again to come to Parliament for an increase of one and a half million of dollars, in addition to what Parliament had authorized in the way of issuing bonds and stock. That one and a half million of dollars has for some time been exhausted. The actual amount of stock paid up on that is over $1,900,000. It is very well known to hon. gentlemen that the telephone system of Canada has been very largely increased in the last two or three years, and is daily increasing. I am informed that there are to-day 9,000 miles of long distance lines, extending from the city of Quebec in the east by the St. Lawrence route and Ottawa route to Windsor, and up to Port Huron in Ontario, and from all the large centres to small villages and towns long distance lines have been constructed. In the North-West long distance lines are being extended from Winnipeg to other centres. I may say, without fear of contradiction, that in no part of the world is the telephone system as effective and cheap as in Canada. In the City of Buffalo the rate paid for a telephone is $90, and five cents for each message up to four hundred, and reduced rates from that downward. So it will be seen that in Canada, at all events, we have a

very effective telephone service and at a reasonable rate. While competition existed between companies in certain localities there was considerable waste of capital, not alone on the part of the Bell Telephone Company, but on the part of the rival companies as well, while they endeavoured to maintain an existence. I daresay my hon. friend from Montreal (Mr. Ogilvie) has had some experience of what I say, and knows that a large waste of capital has been involved in the fight between two companies in his city. Such competition simply results everywhere in the weaker going to the wall. Practically, the effect of having a second telephone service is the survival of the fittest. One of the chief causes of increased capital, in addition to the construction of long distance lines, is the necessity for the introduction of what is known as the metallic circuit to overcome the effect of the electric light system. Electric lights are being introduced everywhere now, requiring a very high voltage—from 1,000 to 2,000 volts—which utterly destroy the possibility, after the lights are in operation, of hearing a message by telephone where the current is so very sensitive and so very delicate. Hon. gentlemen who have attempted to speak by telephone after the electric lights are lighted, except where the metallic circuit has been constructed, will bear me out in what I say, that they practically render the old system useless. The simplest way of overcoming that difficulty is the construction of a metallic circuit, giving each phone a wire carrying the current in return, so that it will not be diverted, or other methods, where there are several phones in the same locality, of carrying the return current by united wires. Those are some of the reasons why it is necessary to increase the capital. I think there is no possible fear, as the stock is held so universally over the country, of any improper use being made of the power granted by this Bill.. It is a matter purely affecting the shareholders themselves, and it is very much to be regretted that this matter was not brought up and the amendment moved at the committee when the president of the company was there. He attended the meeting of the House of Commons committee and satisfied that body, and was in attendance at the meeting of the Senate committee in order to answer questions which might be put to him by Senators. As we all know, it is unsatisfactory to discuss matters in detail in this chamber, where questions cannot be asked and answered and discussion properly carried on. My hon. friend, of course, is quite within his right in moving this amendment, but I think any hon. gentleman who interferes in the domestic management of the company in this manner by proposing to dictate what its stock shall be, without knowing their wants, is presuming a good deal. If my hon. friend is familiar with the wants and working of the Bell Telephone Company—if he knows that three million dollars is amply sufficient capital for them—then he is justified in presenting the proposition to this chamber that that shall be the limit of the stock, but if he is not familiar with that fact and is not acquainted with all the details of the working of the company, and how this money is to be expended, and what it is required for, I do not think the hon. gentleman is quite warranted in submitting such an amendment. I ask my hon. friend if he is aware that half a million dollars of bonds, bearing seven per cent, mature this year and have to be retired ? It is a significant fact that that half million dollars has to be paid and does not go into the workings of the company at all. My hon. friend is aware that the works are being extended in the way I have stated. The telephone system is becoming more general than any other system in the world, and in the North-West they are now extending as far west as Calgary. Even in British Columbia, where there are local companies, they rely entirely on the Bell Telephone Company for all their instruments and appliances for carrying on their work. It became necessary to establish a factory in Canada, which is in operation in Montreal now and which supplies all Canada with necessary telephone appliances. It is a large concern employing a number of hands. Under these circumstances I trust the House will be satisfied with the explanation I have given and that my hon. friend will not press his amendment.

Hon. Mr. BOULTON—In moving the amendment that I did to this Bill that my hon. friend from Ottawa has brought before the House, I did so because I thought that I was doing my duty by the public in so moving. I do not take the same view of it that the hon. gentleman has taken when he says it is purely a matter for the shareholders. I say that there are two parties to

the transaction — the public on the one side and the shareholders on the other—and we are here to consider the interests of the public, not the interests of the shareholders. When shareholders of a company come to Parliament and ask for special legislation, for favours from the public, the public have the right to say whether those favours shall be granted, and to what extent public rights are to be protected in that matter. We all know perfectly well that in the United States—it has not grown to any great proportion in Canada yet, but forewarned is forearmed — capital is accumulating in a few hands. The difference between extreme poverty and great wealth is becoming more and more marked every day. The happiest and best state that a country can attain is where the wealth of the community is as equitably and evenly distributed as possible, and that is accomplished by not permitting individuals to extract by legislation more than a legitimate share of the earnings of the public. In the case before the House at the present moment the Bell Telephone Company ask for an increase of capital from two millions up to five millions of dollars. There is nothing in the Bill to indicate what that capital is for. I would be the last man in the world, as I said yesterday, to interfere with the enterprise or energy of individuals who seek to promote or extend telephone, electric light, railway or any other enterprise for the people of Canada, but there should be something set forth in the Bill to show that that is contemplated. As a matter of fact, the hon. gentleman from Ottawa has told us that the original capital of the company was half a million of dollars of stock. That authority was granted in 1880, and in 1882 they came to Parliament and got certain borrowing powers. Under those borrowing powers bonds were authorized to be issued equal to the amount of capital paid up. In 1884 they again came to Parliament and asked for an increase of that stock to two millions of dollars. The same bonding power still exists.

Hon. Mr. SCOTT—No ; the Act of 1880 affected only the existing stock at the time.

Hon. Mr. BOULTON—The company is not now allowed to issue bonds ?

Hon. Mr. SCOTT—That was a special power granted at that time.

Hon. Mr. BOULTON—If you look at the Act of 1882 the way I read it, it gives the company power to issue bonds equal to the amount of their paid up stock.

Hon. Mr. SCOTT—That was in 1882. That power was limited to the particular issue of the existing stock at that time. In 1884 they did not get that power, but they got power to issue stock. The borrowing power was exhausted.

Hon. Mr. BOULTON—Have they not power to issue bonds now ?

Hon. Mr. SCOTT — No ; not a continuing power. That power has been exhausted.

Hon. Mr. BOULTON — I accept the hon. gentleman's statement. I was under the impression that the bonding power continued, and that the company had power at present to issue bonds.

Hon. Mr. SCOTT—Under section 2 of the Act they are given power to borrow such amount of money as they may require on exhausting the paid up capital. They issued half a million of dollars bonds for ten years at seven per cent interest, and these bonds are now maturing.

Hon. Mr. BOULTON—Did not the Act of 1882 give them power to issue bonds equal to their paid up capital ?

Hon. Mr. SCOTT—I will read the Act of 1884. It was a Bill of just one clause, and is as follows :—

"The capital stock of the said company may be increased to an amount not exceeding $1,500,000 in addition to the original capital stock, amounting to $500,000, authorized by section 5 of the Act, passed in the 43rd year of the reign of Her Majesty, cap. 67 ; and such increase may be effected in the manner and shall be subject to the provisions contained in the said section."

Hon. Mr. BOULTON—Does not the Act of 1882 give the same power to the increased capital ?

Hon. Mr. SCOTT—No ; there is only one clause——

Hon. Mr. BOULTON—The position I understand the matter to stand in from my reading of the Act is that the company is now authorized to issue two million dollars of bonds. Now, that is four millions of dollars

of workable capital that the company can control. They have paid up their stock by the construction of their works, and they can now borrow two millions of dollars upon that, as the hon. gentleman has said, at 7 per cent. Now they come to Parliament and ask Parliament for power to increase that capital stock from two millions to five millions of dollars, and I take it for granted that the same borrowing power goes with the five million dollars of stock that was embodied in the Act of 1882. If that is the case, the bond and stock issuing power of this company will be ten millions of dollars, and the company will be able to put upon the public ten million dollars of securities. Is it wise to grant that power ?

Hon. Mr. SCOTT—No ; the hon. gentleman has heard me read the Act, and the company has no such power.

Hon. Mr. BOULTON—If the hon. gentleman from Ottawa tells me, as a lawyer, that the bonding power of this company is as he says, then I will accept his explanation ; but I understand, as a layman, that the borrowing power has not ceased. The difference between a capital of five millions of dollars and ten millions is very considerable indeed. If the bonding power is continued to the three millions of dollars, the increase that is asked for at the present moment, the dividend borrowing power of the capital of the company will be ten millions of dollars. Hon. gentlemen know perfectly well that in the present state of the country it is an excessive amount for a telephone company, and a telephone monopoly at that, to ask—a very useful monopoly, I acknowledge—and I have no complaint to make on that score ; but when a company comes before the public of Canada and asks for additional power to increase their capital, without stating what it is for, I say we have a perfect right to criticise it, and guard the public who have to pay the rates, and to limit the capital to what we think is necessary for the immediate requiremets of the company in the absence of definite information. I know that in the State of New York the people there have had to appeal to the legislature to get them to interfere in the matter of rates between the telephone company and the public. The rates for telephones in New York at present are as high as $235 an instrument.

Hon. Mr. OGILVIE—from $50 up to $235 an instrument.

Hon. Mr. BOULTON—What is it in the United States that leads to such a state of affairs as that ? It is the increase of the capital of companies by the system of watered stock, and in order to get dividends on the greater amount of watered stock they have to increase the rate to the public or their stock will depreciate in value. The public have had no benefit from any public works but the company have the power through monopoly to extract so much more money from the pockets of the people. There is where I say that in a young country like Canada we should move slowly in regard to these matters, and we have a duty to perform in coming here as Senators to protect the interests of the people, and to see that any of these companies controlling gas, water, electrical appliances, &c., that they are not allowed to extract from the public more than what is reasonable and fair that capital should demand. It struck me that this was one of those cases in which that principle is at stake, and it is for that reason I moved my amendment that the capital of this company should by the present Bill be limited to three millions of dollars, not that I have any personal interest in the matter, or any feelings of enmity to the company. It is a very simple matter to come before Parliament again and ask for an increase of their capital when their present resources are exhausted, and if I am right in my contention, the increase of one million of dollars will give them a workable capital with using their borrowing powers. That, I think, is quite sufficient for the Bell Telephone Company to operate with at the present time. It is quite within their power, or within the power of any other company, working on similar lines, to expend their capital of three millions of dollars in works. That capital is then paid up. Then they can, under their charter, borrow three millions of dollars on their capital and take their own money out of the concern. Then there is a dividend to be paid on the stock, and on the bonds—eight per cent on the stock and seven per cent on the bonds, fifteen per cent in all. If we go on and increase their power to the extent proposed in this Bill we increase the evil when there is no present necessity shown for the use of the capital. It is for this

reason I have moved the amendment. I do not see any reason, from any thing that the hon. gentleman from Ottawa has stated, why I should withdraw my amendment and I propose to let it be discussed by the House.

Hon. Mr. OGILVIE—This is the first time I have heard in the Senate any member dictating to a company, which receives no bonus or subsidy from the Government, whether they shall issue stock or issue bonds. The hon. member from Ottawa has shown us clearly enough that it was a special power that was given them to issue one-half million dollars in bonds. Now, these bonds have to be paid, and I know that their work is extending very fast. I ought to be able to speak very fairly on this subject, because the present directors of the Bell Telephone Company may reasonably expect me to be inimical to their interests, inasmuch as I was one of the directors of a company that was started in opposition to the Bell Telephone Company in Montreal. We provided as good a system of telephoning as could be found, but when we had been running for some time we found that it was very difficult to run two telephone companies in one city and we came to the very wise conclusion, when the Bell Telephone Company thought they had fought long enough, to sell out to them. We lost nothing by the transaction in that instance, and we did one good thing for Montreal—we reduced the rental of phones. Everyone seems to be perfectly satisfied with the telephone service in Montreal, especially since they adopted the metallic return. Before that the service was sometimes unsatisfactory. The company seem disposed to make improvements in their service, and when I compare it with the telephone service in the United States, I think we have every reason to be proud of our own. From being an opponent of the Bell Telephone Company I have become their friend, simply because their telephone service is a great boon to Canada, and it would be rather invidious for the Senate of Canada to say to the Bell Telephone Company "You shall not issue so much stock, but you shall issue bonds." The shareholders should be the best judges of whether they should issue bonds, if they have the right to do it; my hon. friend from Ottawa thinks they have not, and he is a good authority on the subject, but supposing they have the right to issue bonds, if they prefer to issue stock they certainly ought to be the best judges of what is in their own interests. I hope the hon. gentleman will not find a seconder for his motion.

Hon. Mr. CLEMOW—My hon. friend who introduced this Bill has had some experience of the telephone business in Ottawa. He was one of the gentlemen who organized a new company here which unfortunately was swallowed up by the Bell Telephone Company. Now, we must look at this matter from a point of view different from any that has yet been touched upon by those who have addressed the House. The Bell Telephone Company obtained their charter in 1880, at a time when, as we all know, Parliament was not so particular as it is now in passing Bills, and formulating conditions. They therefore gave this monopoly a very great advantage, because any companies that now apply for incorporation are obliged to conform with the municipal arrangements, which are extremely stringent, and it is, therefore, utterly impossible for them to succeed in competing with the Bell Telephone Company. I contend that the augmentation of the capital of this company would tend to establish a monopoly for all time in this country. We have had some experience of the difficulty of dealing with vested rights in the case of our Street Railway Co. They were given powers by Act of Parliament under a perpetual charter, and the city is now trying to obtain some relief. They find it extremely difficult to maintain their rights against the company. The hon. gentleman from Ottawa laid great stress upon the expenditure necessary in connection with the metallic circuit. That improvement is only required in cities and large towns.

Hon. Mr. SCOTT — Wherever the electric light is.

Hon. Mr. CLEMOW—But that metallic circuit is required for only a very small part of the lines controlled by this gigantic company. It will cost a small amount comparatively speaking. But why is this metallic circuit required? It is because the Bell Telephone Company allow the use of their poles to the Electric Light Company.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. CLEMOW—I know perfectly well what I am talking about. I know that in

this instance the Bell Telephone Company allow the Electric Light Company to use their wires. There is an arrangement between the Bell Telephone Company and the Chaudiere Electric Light Company, by which they both use the Bell Telephone Company's poles, contrary, in my opinion, to the spirit of the Act. I am connected with an electric light company myself, and I know what I am speaking about, and that I have explained the cause of the difficulty. There is another view to be considered — something must be done for the purpose of protecting this country from the nuisance of poles; legislation will soon be required in the public interest, and the more you increase the capital of this company the more difficult you will find it to interfere with their vested rights. They will contend that they have existing rights, and it will be found very difficult to oppose them. I cannot see the necessity for this increase of capital. The opposition company that was started in Ottawa intended to supply telephones at the rate of $15, and we could have done it, but this mammoth company bought them out, and my hon. friend (Mr. Scott) remains part of the property of the company—the paid agent of the company.

Hon. Mr. SCOTT—I have no interest whatever in the Bell Telephone Company.

Hon. Mr. CLEMOW—I know that the hon. gentleman is interested in the company.

Hon. Mr. SCOTT—No.

Hon. Mr. CLEMOW—The hon. gentleman is employed by them. I believe we would have succeeded with the Wallace Telephone Company if this gigantic company had not made overtures to the new company and bought them out body and bones. I do not believe that we should encourage those gigantic companies. We should try to look forward and see how the creation of such monopolies will affect the future of the country. If the Bell Telephone Company would come forward and express their willingness to make arrangements with the municipalities to put their wires underground, they would have better reason to ask for an increase of capital, but under existing conditions the proposed increase is unnecessary, and it is undesirable in the public interest in many ways. Instead of adopting the amendment of the hon. member from Shell River, I think it would be better to give this Bill the three months' hoist, in order that the country could have the opportunity to decide whether some general legislation is not needed to apply to this monopoly. For some time there has been an agitation in the city of Ottawa and other cities to diminish the nuisance of these telephone poles, and I have no doubt that before long an application will be made to Parliament to have this great grievance redressed. I do not think we have much to complain of as to the manner in which the telephone service is managed at present, but that no doubt is owing to the fact that opposition companies have been formed in various cities and have brought about a satisfactory service. In Toronto certainly the result has been to produce a good arrangement with the city corporation by which the price of telephones has been reduced to the public; the corporation gets the use of its telephones free, and the company is obliged to put its wires underground in a very considerable part of the city. You may depend upon it other cities will follow suit, and will ask Parliament to grant them similar relief; but if we increase the capital of this company you will greatly interfere with any such legislation, because the public are sensitive about interfering with vested rights. It will be very much more difficult to interfere with a capital of five millions of dollars than with a capital of two millions of dollars in case it should be necessary to adopt legislation which this company might object to in the future. It would be far better, therefore, to allow this matter to remain in abeyance in order that a properly considered Bill may be presented next session. We know that municipalities have been adopting very stringent rules and regulations in the form of by-laws to prevent these companies interfering with the public rights. Unfortunately these by-laws do not apply to the charters obtained some years ago, and therefore it is necessary to exercise caution in this legislation. There is no power, for instance, in this city at present to prevent the Bell Telephone Company from erecting poles wherever they please. The company is not subject to municipal control in any way, and I do not think that is fair or right. The example that we have before us now of the Street Railway Company ought to be sufficient to show that we should place such restriction upon these companies

as will prevent them interfering with the public rights in the future.

Hon. Mr. POWER—There is an old saying, "Set a thief to catch a thief," and the speech of the hon. gentleman from Rideau division is a good illustration of the fitness of that saying, and I am not reflecting on the hon. gentleman at all. The hon. gentleman is a capitalist, largely interested in enterprises similar to that of the Bell Telephone Company.

Hon. Mr. CLEMOW—No.

Hon. Mr. POWER—The hon. gentleman is interested in gas, electric light and power companies, consequently he knows the true inwardness of the whole matter, and he has presented it to the House in a way that it has not been put by any other hon. gentleman. I do not know whether the hon. gentleman will consider it a compliment or not, but before he stood up I had proposed to vote for the third reading of the Bill, and against the amendment of the hon. gentleman from Shell River, but after hearing the speech of the hon. gentleman I have concluded to vote for the amendment. The fact to which attention has been called by the hon. gentleman from Rideau division, that at the time that Act of the Bell Telephone Company was passed Parliament was not as careful in safeguarding the public interests in cities and towns as they should have been, is a matter of great consequence. As a matter of fact, by increasing the capital of this company to almost this indefinite extent, we give them the right for an unlimited time to go on exercising in municipalities throughout Canada their extraordinary powers to deal with the public highways—powers which should be restricted. I do not claim to be very much of a lawyer, but the hon. gentleman from Ottawa said that no lawyer would undertake to put a construction on the legislation which this company have had which was put on it by the hon. gentleman from Shell River—that is, that the power of borrowing runs *pari passu* with the increased capital. Now, I am disposed to humbly express my concurrence in the view of the hon. gentleman from Shell River. The Act of 1884 which increases the capital stock to two millions of dollars consists of one section which is as follows:—

"The capital stock of the said company may be increased to an amount not exceeding $1,500,000, in addition to the original capital stock, amounting to $500,000, authorized by section 5 of the Act passed in the 43rd year of the reign of Her Majesty, cap. 67."

This is the point to which I wish to direct the attention of the House:

"And such increase may be effected in the manner, and shall be subject to the provisions contained in the said section."

Now, what is the provision in the section authorizing the loan? Here is the way the Act authorizing the loan reads:

"The second section of the said Act passed in the 43rd year of Her Majesty's reign, and intituled 'An Act to incorporate the Bell Telephone Company of Canada' is hereby repealed and the following substituted therefor."

So that hon. gentlemen will see that this section which I am about to read is to be dealt with as though it formed part of the original charter of the Bell Telephone Company. Now, what does that section say with respect to the borrowing power? After telling what the company can do the Act goes on to say:

"And also to borrow such sum of money not exceeding the amount of the paid up capital of the company as the directors shall deem necessary for carrying out any of the objects or purposes of this Act."

So, as I understand it, under the Act of 1884 and under this Act of 1882, the power to mortgage has gone on at the same rate as the increased capital. I think that there is a good deal of force in what has been said by the hon. gentleman from Shell River and the hon. gentleman from Rideau Division. If we pass the amendment moved by the hon. gentleman from Shell River the company will have, even supposing it gives them only three millions of dollars, adopting the construction of the present Act which the hon. gentleman from Ottawa contends for—if the company have their capital increased to three millions of dollars it will enable them to pay off this mortgage of $500,000 or to borrow the same sum again at a reduced rate of interest. But supposing they pay off that mortgage out of the new capital they will still have half a million to go on until next year, and if they come to Parliament next session, Parliament will be in a position in giving them power to increase their stock to a larger amount, to

dictate the restrictions and limitations for which that increased power shall be given. As it is, I believe if we pass this Bill in its present condition the company will have ten millions of dollars to go upon, and we shall not perhaps see them before Parliament again for the next twelve years.

Hon. Mr. SCOTT—I am taken rather by surprise at the singular opposition that is manifested towards this Bill. It is an unusual course to oppose a Bill that is reported to the House without amendment for third reading. The hon. gentlemen were present on the committee and never said a word there in opposition to it.

Hon. Mr. CLEMOW—I did.

Hon. Mr. SCOTT—The hon. gentleman proposed no amendment.

Hon. Mr. CLEMOW—No, I did not; I found it was of no use.

Hon. Mr. BOULTON—I heard the hon. gentleman from Rideau Division speak in opposition to this provision of the Bill.

Hon. Mr. SCOTT—It is a very unfair and unusual course to spring an opposition of this kind at this stage of a private Bill. The hon. gentleman from Rideau Division has made rather singular statements with reference to the affairs of the company in this city. I am not aware that a single individual in the City of Ottawa contributed a dollar to the local company that was got up in this city. The charter was got by myself and I ought to know something about it. Then the hon. gentleman says the necessity for the metallic circuit is because the company are using the poles of a rival company to the hon. gentleman's company. He speaks with personal feeling. He admits that there is a rival company to his electric light company, and says that the telephone company are to blame because they use the poles of a rival company. I submit to the House whether the company would be so foolish as to destroy their system and put in a metallic circuit if it could be avoided by the removal of their wires from one pole to another pole? There is no doubt that the City of Ottawa is overrun with poles. The Bell Telephone Company have their poles and the electric power and light companies have their poles. But the necessity that exists for a metallic circuit for the telephone company is not what my hon. friend explains at all; it is caused by the high currents of the electric light companies. I thought that I had explained to the House very fairly and frankly the purposes for which this money is required. I stated that half a million of dollars of bonds had to be retired shortly; I stated when the Bill was up before the House yesterday that in the City of Toronto alone the company are under an arrangement with the city by which they are obliged to put underground a certain proportion of their wires, which will involve an expenditure of $300,000. I stated to-day, and it cannot be denied, that the company have already constructed 9,000 miles of long-distance telephone and are continuing that expenditure. Is not that a good service to the people of Canada? Will any hon. gentleman say that the telephone service in Canada is not a good one? Will any one say that Canada is not better served by telephone than any other country in the world? Is there any complaint as to rates? I have not heard of any. If any attempt was made to water the stock, as in the United States, it would become a matter of notoriety, because the shareholders in Canada now can be reckoned by thousands. It is quite time enough for Parliament to interfere when it is proved that the powers held by this company have been abused. If all the wires in the cities have to go underground it must involve a very large amount of capital. The municipalities are demanding it, and it will simply mean more money and a more costly service. At present in the cities of Montreal and Toronto, and probably in the near future Hamilton and Ottawa and other large centres, it will be necessary to put their wires underground in the busiest streets; but the wires of the electric light companies will also be put underground. It has been said that Parliament did not understand this question at first, and that in consequence the companies got extraordinary powers. I deny that. Afterwards the Bell Company went to the Ontario Legislature and there they got a confirmation of their powers. I am not sure but they also went to other legislatures. They got in some instances a restriction of those powers, and in other instances a confirmation of them. We all know that the Ontario Legislature is entirely in the interests of the municipalities—that they never give to any company powers outside of those that ought to be controlled by

the various municipalities, and they limited the powers of the company wherever it became necessary under the municipal law that they should fairly and properly apply to the municipal councils for those powers. They limited the height of poles, the number of streets in which they should be erected, and required the approval of the councils for the erection of poles in various details. Under these circumstances, I regret exceedingly that this Bill has been treated differently from any ordinary Bill, and that it should be fought out at the third reading without giving an opportunity of having the matter fairly discussed before the Committee.

Hon. Mr. LOUGHEED—I would suggest to the hon. gentleman from Ottawa to allow the Bill to be referred back to the Committee on Railways, Telegraphs and Harbours. There are large interests involved in it, and I do not think the disposition of the House at present is to give the Bill the three months hoist, or to reduce the capital stock should it be found necessary to increase capital stock to the amount asked for. No injury can be done by referring the Bill back to the committee, and if the hon. gentleman shows a disposition to agree to that, I move that the Bill be not now read the third time, but that it be referred back to the Committee on Railways, Telegraphs and Harbours for further consideration.

Hon. Mr. MACINNES (Burlington)—It appears to me that any company seeking for additional capital should not be denied the power of increasing their capital if it is shown to be necessary. Surely the company ought to have the option of getting money either by borrowing it from the public or finding it for themselves by issuing additional stock. I would like to ask the hon. gentleman from Ottawa what the bonding powers of this company are under the Bill.

Hon. Mr. SCOTT—There is no bonding power under this Bill. My reading of the Act of 1882 is, they ask power to issue bonds to the amount of their capital stock. They got that special power and did issue bonds to the amount of their capital stock, and that exhausted their borrowing power under that Bill. I think that no loan company would feel quite safe in taking their bonds, nor would individuals take bonds under these conditions, because at the time the bonds were issued the capital was limited to half a million dollars, and the argument now is that the increased capital, some years afterwards, without any reference to the bonding power, carried with it the right to issue bonds to the extent of their paid up capital. That I think is open to dispute.

Hon. Mr. MACINNES (Burlington)—Would the hon. gentleman from Ottawa be willing to insert a clause to that effect, defining what the bonding power shall be ?

Hon. Mr. DICKEY—Under the Act the company had power to issue bonds to the extent of half a million of dollars. That power was exercised and it then ceased.

Hon. Mr. POWER—The Act shows that the increased power to issue stock should be accompanied by the other powers.

Hon. Mr. ALLAN—I think it is provided that the power to issue bonds shall be equal to their capital, and that therefore the borrowing power seems to go on as an incident in whatever capital the company may be possessed of.

Hon. Mr. POWER—I do not see why the hon. gentleman from Ottawa should object to the suggestion of the hon. gentleman from Calgary. The session is not at all near its close, and it would be better to have this matter discussed in committee instead of in the House.

Hon. Mr. SCOTT—The reason was, I thought it probable there might be some Bills assented to within a few days, and it is desirable, if this company has to raise capital, that the Bill should be assented to as soon as possible.

Hon. Mr. ABBOTT—I do not think there will be any Bills assented to this week.

Hon. Mr. MACMILLAN—I have great pleasure in seconding the motion of the hon. gentleman from Calgary.

Hon. Mr. BOULTON—I shall be happy to withdraw my amendment and allow the Bill to go back to committee.

With the leave of the House the amendment was withdrawn.

The SPEAKER—The hon. gentleman from Shell River did not put his amendment at all, and it was not put from the Chair.

Hon. Mr. SCOTT—I moved the third reading of the Bill, and made my observations in anticipation of the amendment of which notice was given yesterday.

Hon. Mr. MILLER—I understand the hon. gentleman from Shell River has asked leave to withdraw his amendment, of which notice had been given, and which was before the House, which leave was granted from the Chair, and now the motion of the hon. gentleman from Calgary is in order.

Hon. Mr. VIDAL—I must say that the hon. gentleman from Ottawa has not met with the treatment which is ordinarily extended to gentlemen in his position. A discussion of this nature at the third reading of a Bill is something unusual and, generally speaking, unnecessary. Why have we strict and precise rules requiring three months' notice to be given to the public that legislation is to be asked for? We know that with reference to this Bill, three months' notice has been given to the public, yet no opposition was made to it until now. We have had no utterance of public sentiment on the question excepting gentlemen assuming to speak for the public. Under the circumstances, seeing that proper notice was given, that there has been no suspension of the rules and no advantage given, to spring such an important motion on the House at the last moment is, I think, not the proper way to transact business.

Hon. Mr. KAULBACH—I do not agree with the hon. gentleman.

Hon. Mr. POWER—I can give the hon. gentleman a very good precedent for the action taken now. Hon. gentlemen who have been for some years in the House may remember that at one time a Bill respecting sub-marine cable companies was before Parliament. That Bill proposed to repeal some legislation which had been introduced by the Administration of the late Hon. Mr. Mackenzie, of which Administration the hon. gentleman from Ottawa had been a member. This Bill had passed through all its stages—had been read the third time—and on the motion that the Bill do finally pass, the hon. gentleman from Ottawa moved against the Bill and made, I think, really the best speech that I have heard from that hon. member in this House, a speech of twenty minutes, which had the effect of convincing the House that they were going wrong, and the Bill was thrown out at that stage. I do not think the hon. gentleman from Sarnia is justified in undertaking to lecture the House as to the course it adopts in cases of this sort. The hon. gentleman from Shell River gave a notice; he did not take the hon. member from Ottawa by surprise. Sometimes the proceedings of committees are rather hurried, and as the hon. gentleman from Rideau said, there did not seem a disposition in the committee to give his objections the weight they deserved, and he brought them before the House. There is nothing wrong about that.

The motion was agreed to.

THIRD READINGS.

The following Bills, reported from Committee of the Whole, without amendment, were read the third time and passed:—

Bill (11) "An Act respecting Fishing Vessels of the United States." (Mr. Abbott.)

Bill (13) "An Act further to amend the Steamboat Inspection Act." (Mr. Abbott.)

SECOND READING.

Bill (47) "An Act to incorporate the Victoria Life Insurance Company." (Mr. Scott.)

The Senate adjourned at 4.40 p.m.

THE SENATE.

Ottawa, Friday, May 6th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (49) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company." (Mr. Dickey.)

Bill (18) "An Act respecting certain railway works in the City of Toronto." (Mr. Allan.)

Bill (51) "An Act to incorporate the Canso and Louisburg Railway Company." (Mr. Miller.)

BILLS INTRODUCED.

Bill (J) "An Act to amend an Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company." (Mr. Boulton.)

Bill (71) "An Act further to amend the Inland Revenue Act." (Mr. Abbott.)

Bill (22) "An Act respecting the London and Port Stanley Railway Company." (Mr. McKindsey.)

Bill (50) "An Act respecting the Ontario Pacific Railway Company." (Mr. MacInnes, Burlington.)

Bill (63) "An Act respecting the Pontiac Pacific Junction Railway Company." (Mr. Ogilvie.)

Bill (23) "An Act to incorporate the High River and Sheep Creek Irrigation and Water Power Company." (Mr. Lougheed.)

The Senate adjourned at 3.45 p.m.

THE SENATE.

Ottawa, Monday, May 9th, 1892.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE OCEAN MAIL SERVICE.

MOTION.

Hon. Mr. POWER moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all correspondence between any companies or persons, and any department of the Executive Government, and any contracts entered into since the first day of October, 1891, respecting the carrying of the mails between Canada and the United Kingdom.

He said: I think it is admitted by everyone that the fastest mail service between Canada and England which can be had without an unreasonably large expenditure of public money is a very desirable thing. It is desirable that we should get our mails here as speedily as possible, and that correspondents in England with the Government and other persons in Canada should get the mails from this country as speedily as possible; and of course it is desirable that the passage should be shortened as far as practicable, so that passengers would have no very strong inducement to choose lines running to New York and Boston, rather than lines coming to Canada. Recognizing this principle in the most liberal and generous way, Parliament in the year 1889 voted a subsidy of $500,000 a year to any company which would put on a line of steamships between Canada and England calling at a French port, and whose steamers were to be capable of averaging 20 knots an hour on the passage between the two countries. There were members in both Houses at that time who thought that the requirements of this Subsidy Act of 1889 were not likely to be met—that the requirements would involve a greater expenditure of money than the country would be altogether justified in making. It was held that putting on a line of ocean greyhounds capable of averaging 20 knots an hour between England and Canada would cost a great deal more than $500,000 a year; and, if there had been any hope of getting such a line of steamers as that for a reasonable subsidy, that hope was destroyed by the provision inserted in the Act that those steamers should call at a French port, for the reason that there was very little business to be got at any French port, and it would involve either longer passages or an additional number of steamers to make the call at the French port. These objections were not regarded by the gentlemen supporting the Government either in the other House or in the Senate. The Government and their supporters were apparently very sanguine that they would without much difficulty get for the subsidy, which they asked Parliament to grant, a line of steamers making the speedy passages indicated. Three years have gone by, and we are still without that line of steamers; and experience has shown that the requirement to which objection was taken, by myself amongst others, that a steamer should call at a French port, had a good deal to do with rendering it impossible for the Government to secure the services of a line of steamers such as they desired. What was the duty of the Government pending the securing of a service by a line of swift steamers? Necessarily it would take a considerable time, supposing any company did make a contract with the Government for such service, for that company to secure

steamers of the character required to carry out the terms of the Act; it was the duty of the Government surely to have made such arrangements as would secure a fair service to the country while the Government were waiting to see what the result of the call for tenders would be. In my humble opinion the Government failed to do their duty in this respect, and the consequence was that last autumn the line of steamers which had been carrying the mails ceased to do so. The contract came to an end, and the Government had made no temporary arrangements with the owners of those steamships, and for the first time in about fifty years the Lower Provinces of the Dominion were left without any direct mail communication with the mother country by steamer. Naturally there was a good deal of feeling about this in the Lower Provinces. We had had a service for about half a century, and the feeling that we had lost what we had so long caused a deal of excitement and agitation. Meetings were held at Moncton, Halifax and other places, and representations were made to the Government in connection with the matter; and I understood also, although only through newspaper rumour, that a certain exalted personage was not at all satisfied that the dispatches going to the Home Government should be carried through a foreign territory. Then the Government, finding that there was a very strong feeling against the discontinuance of the old service, undertook to make an arrangement with the parties who had been performing the service, and they have made some sort of a temporary arrangement. I do not know just now what the exact nature of the arrangement is, but it is to be hoped when the papers asked for by this resolution come down we shall see. But when the Government did come to deal with the owners of these steamships with a view to continuing the mail service between Canada and the United Kingdom it was the duty of the Government to see that the service under this new and temporary arrangement should be at least as good as the service under the old arrangement had been. If they could not get the 20 knot service, which they claimed three years ago to be desirable and almost necessary, as one can gather from the speeches made to this House by the hon. leader of the Government, and by the hon. gentleman from Richmond and one or two other members, and by the speeches made by the Minister of Finance, and other prominent members of the House of Commons, then they should have got the best available service. If they could not get vessels equal to the very fastest—those which ply between Great Britain and New York—they should at least have got vessels of the stamp of the "Parisian," the "Labrador" and "Vancouver." If they could not get 20-knot steamships they should have got 15 or 16-knot ships. It is clear they have not done that. As far as we can judge, the Government have not done what is their plain duty. It was not a magnificent thing to secure the services of ships of the character I have mentioned capable of averaging 15 or 16 knots; still it would have been a very useful and business-like proceeding. One is not in a position to say, until the papers come down, how far the Government are blamable for the fact, but we have this state of things—that the "Vancouver" and the "Labrador," which had been carrying mails under the previous arrangement, have been taken away from the service, and the only ship which makes reasonably good time, which is still carrying the mails, is the "Parisian;" and those two vessels, the "Vancouver" and the "Labrador," have been replaced by the "Numidian" and the "Mongolian"—two ships which, I think, make only about 14 knots an hour. I am informed by good authority that the result is that the majority of ships now carrying the mails will take at least a day longer to carry the mails and passengers from the United Kingdom to Canada than the vessels which have been taken from the service. It seems to me that unless the correspondence shows that the Government were altogether incapacitated from securing the services of these vessels of medium speed, they have been wanting in their duty in not doing so. If the views expressed in the other House and in this House in 1889, and repeated all over the country, through the press and in other ways, were sound, then the Government have been seriously wanting in their duty—that is, unless it appears in the correspondence asked for that they could not possibly have got a better class of vessels than those which now perform the service.

Hon. Mr. KAULBACH—I am very glad that my hon. friend has called attention to this subject. I notice that, to some extent,

he has changed his views with regard to the fast service between Canada and Great Britain. My hon. friend opposed that motion three years ago. He thought we did not require any service of that nature—that all we required was to look after freight between England and Canada.

Hon. Mr. POWER—The hon. gentleman does not remember what I said.

Hon. Mr. KAULBACH—He thought then that the boats that made 16 knots an hour were quite suitable for Canada. I am very glad he has changed his views. I am quite satisfied to leave any discussion on the subject until such time as the papers are brought down. I am quite sure, from what we heard discussed before the public last year, when my hon. friend and his friends agitated the country previous to the general election, as to the want of energy on the part of the Government in establishing this fast communication, that the country is in favour of the best service that can be got—service equal to that enjoyed by the United States. We had that once, some thirty or forty years ago. We had then not only the passenger and mail service, but we had also the freight service; and it was only when the United States put on faster vessels, better adapted to the carriage of passengers and mails, that we gradually lost it. The Government and the country felt that we should have our service equal to that of the United States. Whether the Government has done all it can do in the matter I am not prepared to say until the papers come down; but from the controversy which occurred last autumn, I felt that the Government had done all that could be reasonably expected of them, and that they have now made a temporary arrangement with a line of steamers which performs good work, and that the service is done now, as it was at the time this movement was made. I am sure that the Government would be acting in the interest of the country, and carrying out the public wish, in providing the very fastest line of steamers plying between England and America. It is advisable that all our passengers should travel by our own line. It is advisable in every way, not only because we now have the Canadian Pacific Railway connecting the Atlantic and the Pacific, but to attract travel to this country. We are very anxious that our country should be known abroad, and the best means of advertising it is to attract travel by our lines. It is the best way of showing the great resources of the Dominion. I am sure the Government is anxious to carry out the wishes of the country as expressed in Parliament, and I am sure that they have done all they could in that direction. I believe that our present Government is as honest, honourable and progressive as any Government Canada has had, and that nothing will be wanting on their part in making a good arrangement at an early day. If they fail in that respect, they will not be carrying out the wishes of the country.

Hon. Mr. MACDONALD (B.C.)—The calling at a French port would kill the whole thing.

Hon. Mr. KAULBACH—I think it was argued in this House before that it would not have the effect of interfering with the speed of our boats, because auxiliary steamers would call at the French ports. If the calling at a French port interferes with the carrying out of this contract, it would be better to drop that part of it, but I do not look upon it as necessarily interfering with any arrangement. It is true we may not have a large trade with France, but there are other parts of Europe from which we could draw, not only passengers, but a large amount of light freight. It is not for the trade of France alone, but the trade that we may get on the continent of Europe.

Hon. Mr. ABBOTT—We shall be very glad to bring down the papers which my hon. friend asks for, but it may be that the explanations which the correspondence contains may not be as full as my hon. friend would expect, because a good many of the arrangements which are made about the carrying of mails and the like are by verbal negotiations. However, there is, no doubt, sufficient to show my hon. friend the leading features of the steps which the Government has taken with regard to this fast service. As respects that, the Government have the same view with regard to it that they had when the subject was broached to the House three years ago. They believe that it is in the interest of Canada to have a fast line across the Atlantic—one that can reasonably compete with the steamers running to New York. The object, of course, of having a fast service is to increase the traffic through our

own country, and this will produce many indirect advantages by attracting population and visitors, and will be valuable as completing our through route from England to the east on the best possible terms and under the best possible circumstances. Those objects are just as important to-day as they were three years ago, and we hold, as we held then, that it is of the utmost importance to this country that we should leave no stone unturned, and no sacrifice unmade, that we can afford to make, in order to get a fast service across the Atlantic, thereby creating a continuous fast service between England and the east. Now, it is a homely old saying that it requires two men to make a bargain, and it is precisely because it takes two men to make a bargain that we have not yet been able to make an arrangement such as we desire, and Parliament desired, when it agreed to grant a subsidy of $500,000 a year. I dare say everyone knows the circumstances that have occurred in connection with this fast service. Tenders were called for almost immediately after the grant was made, and some tenders were sent in, and verbal offers made at that time. One appeared to promise a successful termination; but after several months of negotiation, both here and in England—in England mainly, to enable the tenderers to get up a company that could build the ships that were required to run them—the tenderers withdrew from their proposition, and the Government were left without any offer of any kind upon their hands. There were many suggestions made to men who are capable of carrying on an enterprise of this magnitude to induce them to take it up, but for a long time without success. Then I dare say hon. gentlemen know the Barrow Company took up the question, and almost completed the contract for the desired service. I believe if it had not been for the unfortunate death of the very able and enterprising manager of the Barrow Company that the negotiations would have resulted in obtaining for us this service, if Parliament had been induced to agree to the conditions necessary to get it. I think we may take it as an absolute and settled fact that we cannot get the service that we desire for $500,000 a year. I do not think it is possible, and we are all quite of that opinion, although it is probable by the assistance which we may get in two or three ways, and by the concessions which the English Government makes to vessels which are fitted out in a certain way, so that they may constitute cruisers in time of war, the further sacrifices required from the country might not be large. The premature death, as I have before mentioned, of the gentleman on whom the second important negotiations depended, put a final stop to them, and they failed. Again, last year, the Government issued proposals for tenders, and modified the conditions of those tenders in the manner which previous correspondence and communications with sea-going men indicated to them they ought to do, in order to make them acceptable. To those calls they received one or two replies which were entirely beyond the possibilities of the country, according to the ideas of the Government, and they came to nothing. At this moment there is no negotiation pending, although in an informal way the matter has been brought up and kept before the notice of capitalists in England, who have shown an inclination to enter into an enterprise of this kind. But I cannot say to the House or to the country that at this moment the matter is in such a position as to afford a reasonable hope of an early solution of the difficulties. This is an information which every hon. gentleman is entitled to have, and which may further be enlarged upon when the papers come down, if anyone desires it; but my hon. friend does not make his motion for these papers without anticipating what may possibly result from their production, by finding fault with the Government for not having done its duty, as he says, in getting other lines to carry the mails. In this instance, also, it is necessary that two people should agree in order to make a bargain. The Government were under the impression, and reasonably so I think, that the mails could be carried in the same way that they had previously been by the existing lines, the largest of which, as hon. gentlemen know, is under the control of the Messers. Allan. Last winter, when the mails required to be carried to Halifax, the Messrs. Allan refused to continue to carry them on the terms that we had previously been paying; and the Government did not feel, considering the speed of these vessels taken in comparison with the speed of the vessels crossing to New York, that they would be justified in paying a larger remuneration for the carriage of the mails than they had been paying for several years past, and they declined to increase the subsidy. The

chief difficulty was the going to Halifax harbour. These steamers did not expect to get in that harbour full return cargoes, and they desired to go to American ports for the purpose of obtaining freight, and they said that it cost them too much—it was a great burden on them, to go out of their way to the port of Halifax, when they had afterwards to leave it, and go to United States ports for freight. Whether that be a sound or valid reason, or whether it be the true reason, I cannot say, but these were the reasons which were given to us ; and in consequence of the refusal of the Allans, whose ships were the best that Canada possessed, and in fact the only ships that they could hope to employ, we made an arrangement for carrying the mails by New York. That arrangement had the advantage of being cheaper, and of bringing our letters to us quicker than they could have been brought by the other route. Very naturally our friends in the Lower Provinces were discontented with this arrangement. As my hon. friend says, it is a comparatively new arrangement. For many years the winter mails have been carried by way of Halifax, and I hope they may always be carried through the Maritime Provinces. After a time the Messrs. Allan finally agreed to carry the mails to Halifax as before at the same rate that we had been paying them previously, and which we had been willing to pay all the time. We never refused or hesitated to do it, and when they said they were willing to carry the mails on those terms we immediately accepted their offer, and made with them a contract identical in every respect as to ships that were to perform it or by which they bound themselves to perform it, and containing some clauses favourable to the trade of Halifax—conditions which we thought were proper to be imposed, and which they finally agreed to accept. And it is under this new arrangement that the mails have since been carried to Canada during the winter. Now I fail to see — and I hope the hon. gentlemen who support the Government, and every hon. gentleman who looks on the matter in an impartial manner—will fail to see, in what respect the Government neglected its duty in providing for the carriage of the mails. They endeavoured to get the best line that they could, to continue the service as they had done for twenty or thirty years. They failed, but not because they refused to pay a reasonable remuneration—the same remuneration that had been paid for years before—but because the line of steamships declined to perform the service at the same rate as before, and because the Government did not think it was just to impose a heavier burden on the country for the carriage of the mails, if it could be done by another route, and I may say more cheaply and with greater speed. But when the company owning the vessels declared their readiness to proceed with the carriage of the mails to the Maritime ports at the rate previously sanctioned by Parliament, the Government immediately closed with them, and within ten days after the intimation was given to the Government that they were willing to carry the mails at the former rate, the agreement was signed for the carriage of the mails *via* Halifax. My hon. friend finds another fault with respect to the ships which carry the mails. He says we ought at least to have procured as good a service as before. Well, perhaps my hon. friend on another occasion when he speaks on the subject, will inform us how we are to proceed in order to get this or that peculiar kind of service to Canada. We can only obtain the kind of ships that ply between England and Canada. We cannot expect to get the "Teutonic," or vessels of any class, or of any other similar class, on a temporary arrangement to carry mails to Halifax during the winter. What we had to do was to work with the best tools we could get in the country, and we could not get the tools anywhere else ; so we made the same kind of contract with the Messrs. Allan that we had made before, including all the vessels that were in the former contract, and I think one or two more. My hon. friend seems to have a rather unusual idea as to these ships. He speaks of the "Parisian" and "Vancouver" as vessels that run at the rate of 16 knots. Everybody knows that they are not 16 knot vessels—they are probably 14. I think that 13 knots is about the average speed at sea of the "Parisian" and "Vancouver," and not 16 knots. It appears that within the last week or two the Messrs. Allan and the owners of the "Vancouver" have had some kind of a split. The Government do not know and cannot tell what is the nature of the difference, but in consequence of this difference it appears, that the owners of the "Vancouver" do not intend to put her on for this winter's work.

We are informed of the division between the two companies owning the vessels usually engaged in doing this work, and that one or two vessels of the smaller company will not at present continue their voyages. Whether they may arrange it now, or within a week or two, I do not know ; possibly they may. At all events, for the moment, the "Vancouver" and her sister ship are withdrawn from the service. That is the whole change which has taken place, and it is a change which the Government cannot control. The Allans control the line now, and have done so since the first subsidy was granted, and it is with the Allans the contract has been made for the last twenty-five years or more. The contract made now is the same contract that was always made ; but it appears that a domestic difficulty has occurred amongst themselves, and we do not get, for the moment, the use of these two ships. The Messrs. Allan have put on the list two new vessels which are nearly as fast, I believe within a knot or so as fast as the "Vancouver." The vessels which run from the Pacific coast across the Pacific average sixteen knots ; but the vessels which we have now in our employ on the Atlantic are not to be compared to the vessels which perform the service between the western coast and Japan. The papers will be brought down, and when they come down if there should be any further explanations necessary I shall be ready to give them.

Hon. Mr. WARK—I wish to enquire if, when the negotiations were going on for this service it was found that the requirement that the vessels should call at a French port added materially to the expense, and whether in the second proposition the same requirement was made ?

Hon. Mr. ABBOTT—I am very thankful to my hon. friend for calling my attention to that point ; I had overlooked it. I may say that the condition with regard to calling at a French port cut no figure at all in the negotiations. The idea that the Government had with regard to the first tenders, when that was made a condition, was that the sailing port from England would be one of the extreme south-western ports—say down about Milford Haven, or in that direction—and in that case the place where the vessel would receive her cargo would be London. She would probably make her terminus at London, and would drop down channel and take in the mails at the extreme south-western point of the island. In coming down channel that way, it would not put her very much out to drop in at a French port, and no objection was made by the vessel owners to calling at a French port. In the negotiations which took place afterwards this question came up, and the only objection made by the gentlemen proposing to make tenders was, that they should not be obliged to perform the service by the vessels that crossed the Atlantic, but that they should be allowed to do it by another steamer or tender at the terminus. And in the last tenders which were called for, the particular mode of making the connection with the French port was left open, in order that the tenderers could state the conditions in that respect as they thought proper. I may say, also, that in the last tender there was greater freedom allowed as to the point of departure. The Government did not determine arbitrarily where the point of departure should be, because they found that the point of departure had a good deal to do with a steamship company taking up the contract. Most steamships prefer the port of Liverpool as the point of departure, because that port offers so many resources in the way of freight, and it is perhaps more profitable for them to start from there than from any other port in the Empire. But with a view of facilitating the taking up of the contract by persons in the business, those two points were left practically open—that is to say, the mode by which communication with a French port should be made, and the point of departure. The question of calling at a port in France made no material difference, as far as we are informed, in any of the negotiations which took place.

BILLS INTRODUCED.

Bill (L) "An Act to amend the Patent Act and Acts amending the same." (Mr. Abbott.)

Bill (M) "An Act to consolidate and amend the Act respecting Land in the Territories." (Mr. Abbott.)

Bill (56) "An Act to confirm an agreement between the Tobique Valley Railway Company and the Canadian Pacific Railway Company." (Mr. Boyd.)

HIGH RIVER AND SHEEP CREEK IRRIGATION AND WATER POWER COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (23) "An Act to incorporate the High River and Sheep Creek Irrigation and Water Power Company." He said: The object of the Bill is to empower this company to construct irrigation ditches in certain portions of the Territories. Public interests are safeguarded by a proviso that everything that is to be done under this charter must first be submitted to, and receive the approbation of, the Governor in Council.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 4.10 p. m.

THE SENATE.

Ottawa, Tuesday, May 10th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BELL TELEPHONE COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee of Railways, Telegraphs and Harbours, reported Bill (41) "An Act respecting the Bell Telephone Company of Canada" with amendments. He said: I may explain the effect of these two amendments. By the Act of Incorporation the capital stock of the company was half a million dollars and they obtained power at that time to issue bonds to a corresponding amount—half a million. By a subsequent Act this capital stock was increased, and the question arose, on the second reading of the Bill, as to the effect of the bond clause, which was to empower them to issue upon the paid up capital of the company an amount that corresponded with the capital. The question that arose was whether this power followed on as the paid up capital stock was increased. In order that that question might be considered in all its bearings, the Bill was referred back by the House to the committee. In reference to that, the evidence before us showed that this power had been availed of to the full extent of the $500,000, but to no greater extent, and it was intimated that probably any further amount would be unnecessary. In view of the doubt that arose as to the construction of the Act, which might empower the company to issue to the extent of five millions of stock to which this Bill has reference and to that same extent to extend the borrowing power, making for all practical purposes a capital of ten millions of dollars, it was suggested that we should limit the borrowing power which the parties declared they probably would not require for any purpose except for the purposes of renewal of those bonds. The effect of this clause, as explained to me, is this: That it enables these bonds to be taken up by other bonds to the extent of that amount, but that the amount of the bonds to be issued is to be limited for all time to five hundred thousand dollars and no more. With regard to the other amendment, referring to the rates, it is not a clause which places the rates entirely under the control of the Governor in Council, but it is a clause which, after the rates were explained to us, was introduced to limit the power of the company to change those rates in the direction of an increase without the consent of the Governor in Council, so as to afford a protection, as far as we could, to the public, that no exorbitant rates would be the result of this increased capital, and the wording of the clause shows that the rates charged are not hereafter to be increased without the consent of the Governor in Council. These are the two points, and they received very general assent in the committee.

Hon. Mr. SCOTT—The chairman of the committee has explained fully the purport of the amendments, and the House thoroughly understands and will probably approve of

them. I therefore move that the report of the committee be concurred in.

Hon. Mr. CLEMOW—To-morrow.

Hon. Mr. SCOTT—There is no necessity to postpone the third reading. The House understands the subject now.

The motion was agreed to, and the Bill, as amended, was read the third time and passed.

BILLS INTRODUCED.

Bill (64) "An Act respecting the Canada Atlantic Railway Company." (Mr. Clemow.)

Bill (39) "An Act respecting the Alberta Railway and Coal Company." (Mr. Girard.)

INTERNAL ECONOMY OF THE SENATE BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (I) "An Act respecting the Internal Economy of the Senate." He said: I have introduced this Bill as an attempt to systematize the working of the Senate in respect of its financial operations and its financial connection with the Government, and in doing so I have used as a model the statute passed with respect to the internal economy of the House of Commons. As far as I can understand, the Bill has received a good deal of attention from members of the House, and I learn that the main point of difficulty with some members of the House has been the proposition that the commission for the internal affairs of the Senate is to be appointed by the Government, as the commission is appointed in the House of Commons, and it has been suggested that it would be more appropriate, and more consistent with the position which the Senate has assumed, and is entitled to assume and retain, that the Senate itself should appoint the commission, and I propose to submit that change to the House when the Bill goes into committee. I may say further, with reference to the Bill generally, that the provisions as to getting our money, and arranging for it and managing it, are very similar to those which have been found to work well in the House of Commons. The main difference between the Bill and the system which has been in force for many years in the other House, is that in the House of Commons the Speaker appoints all the officers, with two or three exceptions, without any appeal from his decision, or any approbation of it being required, he being sole and absolute master, or claiming to be (and I believe his claim is recognized in these appointments), without reference to any other power, the House or the Government or anybody else. I propose, in this Bill, to give the committee or commissioners the power which the Speaker possesses in the other House, with this difference: that any appointment made by them must be referred to this House or must receive its approval by this House before it becomes valid, and so, in fact, it is with reference to any proceedings of these commissioners. They are placed in precisely the same position as the Contingent Accounts Committee. Whatever they do or decide they must report to this House, and when done it has no force or effect until it has the approval of this House. There are some verbal alterations required, especially in the clause with reference to the mode of preparing the estimates. I do not know how these errors occurred. They were not in the Bill as drafted, but in the ninth, tenth and eleventh lines there is some confusion in the way the clause is prepared which I shall propose to put right when we consider the Bill in committee.

Hon. Mr. BOTSFORD—Under the circumstances in which this Bill was brought forward, I was at first very much opposed to its principle. I did not see any good and sufficient reason why powers which have been exercised, and in my opinion generally well exercised by members of the Senate, should be interfered with, and that such a radical change should be made as that proposed by the Bill as first introduced by the Premier. The modification which he proposes certainly takes away, to a certain extent, the objectionable features which it possessed in the first instance. Still I think that very good reasons should be given why the Bill should be passed, and the powers given to and exercised by the Senate as a body should be placed in the hands of a committee. It is true, so far as the Premier has expressed his opinion, the commission would be appointed by the majority of the Senate; but there may be some limitation with respect to that. I take it for granted that any committee selected by the majority of the House should have, as one of its members, the Speaker of the

Senate. On principle I think that should be provided, and that neither qualification nor limitation of the choice of the majority of the Senate should be against it. The Premier does not intimate whether he proposes to limit the discretion of the Senate to any particular class of members belonging to the Senate ; that would be a question which of course would come up in committee. My opinion is that the discretion of the Senate should not be limited in appointing a committee further than perhaps as specified in the Bill that the Speaker should be a member of that committee. I do not intend to discuss the principle of the Bill any further than this: it is shown that the functions as hitherto performed by the Senate themselves are similar to those which are performed by the House of Lords. The appointment and perquisites or salaries of the ordinary officers are in the hands of the House of Lords, who appoint a committee to exercise the privileges conferred, of course afterwards to be submitted to the majority. We have followed that principle and I may say, as one of the first members appointed to the Senate, that I believe, upon the whole, the manner in which the senators have exercised the privileges which they possess with respect to their contingencies and the appointment of subordinate officers—of course the clerk is an appointment made by the Crown—has been very satisfactory, and I will refer as a proof of that to the able speech made by the hon. gentleman from Richmond in 1883. Some very disparaging and coarse remarks were made by the members of the House of Commons with respect to the manner of managing the contingencies of the Senate and its officers. The hon. gentleman from Richmond took up the question and made a most admirable speech —so much so, so convincing was it to the other branch of the legislature, that from that hour to this not a disparaging remark has been made by a member of the House of Commons, because it showed conclusively that the economical manner, the judicious manner in which the Senate had exercised its functions with respect to its contingencies and the appointment of its officers was a marked success in comparison with the House of Commons, and it was so felt by the other branch of the legislature. On this point I may refer to a very able speech made by the Premier of this Dominion in 1890. Up to that time great ignorance was displayed by the public in general, not only with respect to the powers possessed by this Senate, but with respect to the manner in which those powers were exercised. The hon. member, much to the interest of this independent body of Parliament, explained how and in what manner the duties of the Senate had been performed, and it was such an exposure that the public at large began to see and to feel that this branch of Parliament had performed its duties satisfactorily, and in the best interests of the country. I will not delay the House any further, but when the Bill comes up, if there should be an intimation as regards the committee to be appointed, I may then have an opportunity to say something on the subject.

Hon. Mr. POWER — The hon. gentleman from Sackville has given the very best reason in the world why this Bill should not be read the second time. He stated that the affairs of the Senate had been managed by the Senate itself in the most satisfactory way, and he adduced as witnesses to that fact the hon. gentleman from Richmond and the hon. the Premier, who, in speeches made at very considerable intervals of time showed that the Senate had been doing its duties and managing its affairs in a way which was almost above criticism. Under the circumstances, it was the duty of the leader of the Government, when introducing the measure proposing to take away from this House the powers which it had on the whole judiciously exercised since 1867, to have given us some substantial reason for this sweeping change. If the Senate has been managing its internal affairs in a satisfactory and proper way during all those years, why this change ? If it has not—if there is some serious cause why the privileges which the Senate has enjoyed since 1867 should be taken away, then the Senate should have been made aware of the cause. As far as I am concerned, as one member of the Senate, I have not been informed of any substantial cause for the change proposed. If any change is necessary, if there is anything in our way of transacting the business which relates to our internal affairs, that is not satisfactory, then the Senate upon proper representation made by the leader of the House, or by any other member, will be ready to reform whatever needs reformation. That has been the case

in the past. Hon. gentlemen will remember that this House some years ago was charged, and with a certain amount of justice, with extravagance in one particular department—the stationery office. Did the House refuse to reform what needed reformation ? Not at all. The House referred this matter to the Committee on Contingencies, which is charged with the expenditure of the House, and that committee introduced a measure of reform which had a most satisfactory result. It will be remembered that at the time this reformation was initiated the stationery account of the Senate per year amounted to about $13,000.

Hon. Mr. SCOTT—Oh, no ; that was for two years.

Hon. Mr. POWER—At least that is what was alleged. I turn to the Auditor General's report for the past year, and I find that our stationery for the year ending the 30th June, 1891, was only $4,421. That is only one-third of what it had been before. I find the stationery in the House of Commons for the same year was nearly $13,000. I find that the total expenditure of the Senate for salaries, stationery and contingencies, and all the expenditures except the pay and mileage of the members, amounted to $61,892. I find that the like expenditures of the House of Commons amounted to $229,557, nearly four times the amount paid on behalf of the Senate. We compare very creditably with the House of Commons ; and I do not think any reason has been given why we should abolish the system which has produced that result, and introduce the same system they have in the House of Commons and which has produced the results that we see.

Hon. Mr. ABBOTT—There is nothing in the Bill which at all interferes with the working of the Contingencies Committee, excepting in the matter of appointments. The Committee on Contingencies will exercise the same jurisdiction over the ordinary contingencies of the House as before.

Hon. Mr. MILLER—And also over the appointments.

Hon. Mr. POWER—I do not so understand the Bill.

Hon. Mr. ABBOTT—It is so.

Hon. Mr. POWER—What is the practice ? In the House of Commons these matters which are dealt with in this House by the Committee on Contingencies are dealt with by the Internal Economy Commission.

Hon. Mr. ABBOTT—They are not dealt with by the Internal Economy Commission in the other House and they will not be dealt with by the Internal Economy Commission in this House if the Bill is adopted.

Hon. Mr. POWER—I do not know exactly how the thing is done in the other House, but I know that it is not done satisfactorily, because we have had in the other House, during the present session, quite a keen conflict between the House, represented by the gentlemen on the Committee on Printing, and the Speaker. As I read this Bill its language with respect to the Speaker and the Commissioners is identical with the language used in the chapter of the Revised Statutes which deals with the internal economy of the House of Commons. It has not been shown that there is any necessity for change. This Bill asks us to surrender rights which we have enjoyed, and which we have exercised on the whole judiciously, since 1867. As one member of the House I think that we should be slow in surrendering those rights. If this Bill becomes law the House will not have the power to appoint the humblest officer.

Hon. Mr. ABBOTT—My hon. friend should read the Bill.

Hon. Mr. POWER—Excuse me; I have read the Bill.

Hon. Mr. MACDONALD (B.C.)—Clause 6 of the Bill gives power to the committee to deal with it, subject to the approval of the House.

Hon. Mr. POWER—Clause 3 provides that :

"The Commissioners may, from time to time, appoint the several officers, clerks, and servants of the Senate, except the Clerk of the Senate, the Usher of the Black Rod, and the Sergeant-at-Arms ; and all such appointments shall, without delay, be reported to the Senate, through the Speaker, and shall be subject to the approval of the Senate."

That simply gives the Senate a veto ; it does not give the Senate the power of appointment.

Hon. Mr. MILLER—What more have they now than a veto ?

Hon. Mr. POWER—The Senate can appoint another man if the recommendation does not suit them.

Hon. Mr. MILLER—No.

Hon. Mr. POWER—I might remark here that I do not think on the whole that the appointments made by the Government have been any better than those made by the Senate. Clause 6 of the Bill says :—

"6. All sums of money voted by Parliament upon such estimates, or payable to members of the Senate under the Act respecting the Senate and House of Commons, shall be subject to the order of the Commissioners or any three of them, of whom the Speaker shall be one."

Where does that leave the Senate the control ?

Hon. Mr. ABBOTT—We simply get the money for the Senate from the Government.

Hon. Mr. POWER—The other House does not control these small expenditures. The point is just this : If the Prime Minister could show that the work which has been done by the Contingencies Committee was not well done, and was not done with reasonable economy, then he would have a right to ask us to alter that method of doing the business ; but I do not think it is wise to ask us by an Act, which is irrevocable as far as the Senate is concerned, to give away the powers that we have been exercising. If it is felt that the Committee on Contingencies is too large a body to deal with this subject, and that owing to its size it has not dealt with matters satisfactorily, the proper course would be to appoint a smaller committee.

Hon. Mr. OGILVIE—That is exactly what we are doing.

Hon. Mr. POWER—The hon. legislator from Alma division, I think, does not see the whole thing. That is exactly what we are not doing. We are passing an Act which I say is irrevocable, because once it becomes law this House has no power to repeal it. By this Bill we surrender the powers which we have exercised in the past. It may be that the Committee on Contingencies is too large a body. If that is the feeling of the House then the House can appoint a smaller committee, and if the small committee does not work satisfactorily the House can revert to the number of the past. If we pass this Bill can we revert ? Not at all. Once this Bill is passed the complete and exclusive control of the House over its internal affairs is gone. I do not think that we should pass this Bill ; no reason has been shown for changing the present system, and if the change is desirable the better way is to pass a resolution introducing a system that we can control ourselves in case it does not work well. Why any three or four members of this House should do the work that has been done by the Committee on Contingencies and the whole House better than the Contingencies Committee and the House have done it I cannot see.

Hon. Mr. OGILVIE——I can see it.

Hon. Mr. POWER—Everyone is not possessed of the perspicacity of the hon. gentleman.

Hon. Mr. KAULBACH—I consider that the Senate is not divesting itself, by this Bill, of complete control of its contingencies. I do not agree with my hon. friend from Halifax, or the hon. gentleman who preceded him, that the Committee on Contingencies has given complete satisfaction. Had that been so, I should not have been in favour of this Bill. It is because the Committee on Contingencies has not given satisfaction that I am in favour of some change—any change, almost, would be better than the present system. For the last two years, at least, the Committee on Contingencies has not given general satisfaction. As introduced, the Bill was objectionable, and I should certainly have opposed it if the Premier had not proposed to amend it. With the suggested amendment the control of our contingencies remains within ourselves. The commission will be a small body—some five members—but the Senate will have the appointment of them. Even if the intention is to confine the commissioners to members of the Privy Council, I have no very great objection. If my hon. friend opposite (Mr. Miller) who is a man of independent views, and who exercises good judgment and prudence, should be selected, he being a member

of the Privy Council, I should not object to see him on the commission. There can be no objection to the commission, so long as the House has the power to appoint its members, even though membership should be confined to Privy Councillors. Under the Bill with the amendment we will control the appointments; now the Government controls them. We will have the control, and there will be the advantage of having a smaller committee. I do not envy those who will be appointed. Some eighteen or twenty years ago I was a member of the Committee on Contingencies, and I was very glad to get rid of the duties and responsibilities of the position. I never was so run after and provoked as I was then by persons seeking favours from the committee. I believe that the Committee on Contingencies has not given satisfaction to the House. I believe in improving the system. I am satisfied we can improve it and keep control of our privileges in the House by this Bill. The commission will be similar to the committee of the House. It will be composed of such members of the Privy Council as are members of this House, and I quite agree that the Speaker should be one of them.

Hon. Mr. ABBOTT—I would like to say a word or two about the subject matter of the Bill, because I perceive by what the hon. gentleman from Halifax has said that the purport of the Bill is not thoroughly appreciated by the House. My hon. friend talks of our giving away our rights as if we were giving away an important part of the privileges of this House. The only subject which this Bill deals with is, first of all, the connection between the Senate and the Government in respect to its supplies, which, I think, would be managed much more effectually and harmoniously in the form provided for here than the way it is done now; but in that respect no privileges are waived, because it is the officers of the House who make the estimates of what is required, and it is the Speaker of the House who communicates these estimates to the Government. It is the first time that a regular and authorized mode of communication with the Government on the important question of our estimates has been devised in this House. It interferes with no privileges of the House whatever. The House states what it wants and sends this estimate in by its authorized officers, and in an authorized manner, to the Government to be placed in the estimates, instead of as now being sent in in an unauthorized manner.

Hon. Mr. POWER—Tell us what clause 6 means?

Hon. Mr. ABBOTT—Clause 6 is easily explained; but I do not propose to make a long speech at present. It will be better explained later on. The only other subject with which the clause deals is the appointment of clerks. That function has not been uniformly performed by the House or a committee of this House. It was the Speaker of this House who originally appointed those officers without any control of the House, just as the Speaker of the Commons does to this day. That was not found to work well, and instead of that system we substituted a committee of this House. I do not want to discuss the question whether the Contingent Accounts Committee has performed that duty satisfactorily or not. I am of the opinion of the hon. gentleman from Lunenburg that this is a more satisfactory way of making the appointments—that it is less open to influence, intrigue and log-rolling than the one which we have hitherto adopted, and I do not think it will be difficult to point to instances where appointments have been effected injuriously by a junction of interests and by other modes which are common and well known in bodies of that size; but in point of fact as respects that we give away nothing; we substitute for the Contingent Accounts Committee a commission composed of members of this House who are best fitted to deal with it, and with precisely the same power. The commission can make no appointments of itself and no dismissals of itself. An appointment in the case of the Contingent Committee must be reported to this House. There is not a shadow of difference between the power exercised by the Contingent Accounts Committee and the powers proposed for this committee as regards appointments. Now, what is there in section 6? The money needed by the Senate is obtained on the order of the commissioners, of whom the Speaker shall be one. It comes here and is paid out, as it has always been, by the accountant.

Hon. Mr. McINNES—How is it done now ?

Hon. Mr. ABBOTT—It is done in a very informal way, without any legal authority. The money is handed over to the accountant of the House from time to time as it is asked for. It is not, it is thought, judiciously or legally done.

Hon. Mr. McINNES (B.C.)—On whose order does he pay that money out ?

Hon. Mr. ABBOTT—He pays it out under the statute, without any order at all. The point is to get money into the accountant's hands in a legitimate and authorized way. All of us know that the system is very much changed since the Contingent Accounts Committee was first appointed. Now, all the contingencies that come to this House come into the hands of the Receiver General, and from his hands to the accountant of the Senate.

Hon. Mr. ALLAN—This clause simply states from whose hand it comes.

Hon. Mr. ABBOTT—It provides the way the money shall come to our accountant. I shall not say anything more on the Bill at present. The Deputy Governor is waiting in the adjoining room to give the Royal Assent to some Bills. I move that the House adjourn during pleasure.

The motion was agreed to, and the House adjourned during pleasure.

BILLS ASSENTED TO.

The Hon. Sir William Ritchie, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated on the Throne,—

The SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House : "It is the Deputy Governor's desire that they attend him immediately in this House."

Who being come with their Speaker,

The following Bills were then assented to :—

An Act to incorporate W. C. Edwards and Company.

An Act to amend "The Pilotage Act."

An Act to amend "An Act respecting the Department of the Geological Survey."

An Act respecting the Grand Trunk Railway Company of Canada.

An Act respecting the Canada Southern Railway Company.

An Act respecting the St. Catharines and Niagara Central Railway Company.

An Act to revive and amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company.

An Act respecting the Canadian Pacific Railway Company.

An Act respecting aid by United States Wreckers in Canadian Waters.

An Act to authorize the conveyance to the Corporation of the City of Toronto of certain Ordnance Lands in that city.

An Act respecting the Boiler Inspection and Insurance Company of Canada.

An Act respecting the Nova Scotia Steel and Forge Company (Limited).

An Act respecting the *Globe* Printing Company.

An Act respecting the Montreal Board of Trade.

An Act to incorporate the Woman's Baptist Missionary Union of the Maritime Provinces.

An Act respecting the Nipissing and James' Bay Railway Company.

An Act respecting the St. John and Maine Railway Company, and the New Brunswick Railway Company.

An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

An Act respecting the Lake Manitoba Railway and Canal Company.

An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

An Act respecting Fishing Vessels of the United States.

An Act further to amend the Steamboat Inspection Act.

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

The House was resumed.

Hon. Mr. BELLEROSE moved that the debate on Bill (I) "An Act respecting the Internal Economy of the Senate" be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned at 4.30 p. m.

THE SENATE.

Ottawa, Wednesday, May 11th, 1892.

The SPEAKER took the Chair at 4 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (47) "An Act to incorporate the Victoria Life Insurance Company," was reported from the Committee on Banking and Commerce without amendment, and was read the third time and passed.

INLAND REVENUE BILL.

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (71) "An Act further to amend the Inland Revenue Act." He said: This Bill is to make certain amendments in detail to the Inland Revenue Act. The amendments are principally formal, and for the purpose of better enabling the collection of duties that have hitherto been evaded; but one of the important objects of the Bill is to make it applicable to the North-West Territories. The manufacture of ale and beer, and spirits, and the sale of liquors are about to be undertaken in the North-West Territories, and it is important that the Act, as it is in force in other parts of the Dominion, should be extended to the Territories. Under the first clause of this Bill the provisions of it will extend to all other parts of the Dominion except Keewatin, where no license to manufacture any intoxicant shall issue, except under Order in Council. There are some other details with reference to spirits, providing that no person shall sell any bottle, flask, or other package containing whiskey or other spirits, unless the name and address of the person by or for whom such bottle, flask, or other package has been filled are marked thereon by means of a label, stamp or other device. There is another provision with respect to tobacco which provides that cigars when put up in packages of three or six cigars shall not be sold or removed from any licensed factory in lots of less than 100 cigars. That provision I propose to amend if the second reading is accepted by the House. In other respects I think the Bill will go as it is. However, that is a subject for the criticism of the House.

The motion was agreed to, and the Bill was read the second time.

SECOND READINGS.

Bill (K) "An Act to amend an Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company." (Mr. Boulton.)

Bill (22) "An Act respecting the London and Port Stanley Railway Company." (Mr. Lougheed in the absence of Mr. McKindsey.)

Bill (50) "An Act respecting the Ontario Pacific Railway Company." (Mr. Vidal in the absence of Mr. MacInnes, Burlington.)

Bill (63) "An Act respecting the Pontiac Pacific Junction Railway Company." (Mr. Ogilvie.)

Bill (56) "An Act to confirm an Agreement between the Tobique Valley Railway Company and the Canadian Pacific Railway Company." (Mr. Boyd.)

THE PRINTING OF PARLIAMENT.

MOTION.

The Order of the Day being read, "Consideration of the Fifth Report of the Joint Committee of both Houses on the Printing of Parliament."

Hon. Mr. READ (Quinte) said: Since this report was submitted to the House some amendments have been made to it in the other Chamber. I have given notice of these amendments, and I now move that the said report be amended as follows:—

2nd paragraph, line 2.—Leave out the words "or a Cabinet."

3rd paragraph, line 3.—Leave out the words "to the Clerk of this Committee and."

3rd paragraph, line 11.—Leave out the words "from time to time," and also the words "as has been the custom hitherto."

Leave out the whole of the fourth paragraph.

Hon. Mr. MACDONALD (P.E.I.)—I regret that the committee did not make some further alterations in the mode of supplying members with stationery. In my opinion, and in the opinion of many others, it would be desirable to do away with the present system altogether. It must be patent to the House that some members receive a very large amount of stationery, while others receive but a small quantity, and instead of stationery being supplied in this way to members it would be better that a certain amount be allowed—an equal amount to each member—or they should supply their own stationery. The system has been adopted in some of the Provincial Legislatures, and has worked very beneficially. It has been the means of saving

a large amount of money, and I have no doubt if it were adopted by the Senate it would have the same effect here. I regret that the committee has not thought proper to recommend the adoption of the same system here.

The motion was agreed to, and the report as amended was concurred in.

INTERNAL ECONOMY OF THE SENATE BILL.

SECOND READING.

The Order of the Day having been called for resuming the adjourned debate on the second reading of Bill (I) "An Act respecting the Internal Economy of the Senate."

Hon. Mr. BELLEROSE said: It is my desire to make only a few remarks on this Bill, and the reason I do so is that some twenty-five years ago a Bill somewhat similar to this one came before the House of Commons, when I was a member of that branch of the Legislature, and on reading over the Bill I was opposed to it. But after I heard our late Prime Minister, Sir John A. Macdonald, explain it I thought it was a very good measure—that it would work so nicely and would be so advantageous in the management of the finances of the House that I should support it, and I voted in favour of the Bill. It was not many years after—I may say only a very few months after—that I had occasion to regret my vote, because I remarked that far from the measure being a move in the direction of economy we had been voting away the rights of our House for no good purpose whatsoever. So from that time I have been opposed to all such legislation, and have always spoken against it. But I have another good reason why I should oppose this Bill. It is too much to ask of me to vote that I am not qualified to occupy the position I hold in this House. I believe that other hon. gentlemen have the right to think so, but to ask me to do so—to say that I am not qualified for my duties, that I am like a child in its minority obliged to ask somebody to work out the business of the House for me—is asking rather too much. In voting for this Bill what are we doing? Nothing less than stating that after long years of experience we find that we are incompetent to administer the finances of this House, and that there are none in this House, except such members as are members of the Privy Council, who are competent to do so. I cannot vote for it. Even supposing that the objectionable feature should be removed, and everyone of us made eligible for appointment on the commission, it does not make much difference. To-day we are all members of the Contingencies Committee, and are we to vote to-day that for all time to come we shall have no more rights in that respect? It may be said there is no change made by this Bill. I say there is a great change, and what is it? The change is that to-day we control the finances of the House; to-morrow we shall not be able to do so, because the law will provide otherwise. I am not now a member of the Contingencies Committee but I have the right to go there and advocate my views, for I have the right to speak though not the right to vote on that committee. But when we have a commission have we a right to go there? Not at all. They can turn us out and tell us it is none of our business. I should think that before men of our age are asked to vote for such a measure it ought to be shown that there are very good reasons for doing so, and that this House has not shown itself in the past equal to its position. In voting for this Bill to-day that is practically the judgment we are pronouncing upon ourselves, and on that ground I cannot support it, and I am sorry that I voted for a similar measure years ago. Some hon. gentlemen may sneer to-day, but others may have a chance to sneer to-morrow when the House have declared by their vote on this Bill that we are incompetent to discharge our duties. As the Bill stands it would seem that the hon. gentleman from York is more able to administer the finances of this House than the hon. gentleman from Amherst. I have very much doubt about that, but in voting for this Bill the hon. gentleman from Amherst will be affirming that he believes a member of the Privy Council (as for instance the hon. gentleman from York) is better able to administer the contingencies of the Senate than he is. Let him do so. I am asked to vote that the Hon. Mr. Masson is better able to discharge that duty than I am. I will not do so, because I believe I am better able to fill that position than he is. Others may say no, but I am not ready to admit it. Self-respect prevents me from saying so. I cannot place on record that I am a man who ought not to be here—that I am receiving money that I do not earn—and that is what I would be

saying in voting for the Bill. Then by this Bill the hon. gentleman from Ottawa is a member of the Privy Council and will have a right to be appointed on that committee.

Hon. Mr. SCOTT—No ; not much—I am not wanted.

Hon. Mr. BELLEROSE—Is not the hon. gentleman from Prince Edward Island (Mr. Howlan) just as good a man to go upon that committee as the hon. gentleman from Ottawa ? This is the distinction this Bill is to make. I think it is an outrage. I may be wrong. I am so often wrong that I may be wrong this time. However, many a time I have discovered that although alone I was on the right side. That I have discovered, even since I have had the honour of a seat in this House, and I may yet find that I am not altogether out of the way on this question. Holding these views I cannot give my vote for this Bill. I regret it, for it is about the first time that the Government has been before the House this session, and it would have been so pleasant to me to show my desire to support them ; but they are asking too much of me to ask me to declare that I am incapable of discharging the duties of my position.

Hon. Mr. FLINT—For the very reasons that my hon. friend has given I propose to vote for this Bill, not that I feel that I am incompetent to take my part in that committee—I think my standing and experience as a business man apart from any advantages of education I might have had, enable me to understand pounds, shillings and pence, and the worth of money as well as any other member,—but for two reasons it strikes me that this change will be an improvement. In the first place, in the committee there is a little too much wire-pulling. In the second place, where there is any position to be filled I find that I am constantly bored by those who desire to be appointed. Widows come to me, and ladies who have sick husbands, wanting positions for their sons, all on account of some great service that their husbands are supposed to have done—generally in the cause of Sir John Macdonald, they say. Their fathers or their uncles for a great many years, they tell me, always supported the Conservative Government. Old men and cripples come to me and say that they think they are entitled to the position more than anyone else. One cripple came to my place a little after 9 o'clock one evening, when I was about to retire, and for a whole hour kept up a conversation with me, in which he spoke about his abilities, and if you would believe him he was fit for any position, from bootblack to Governor General. I was sorry for the man because he was lame, but he was not satisfied when I told him that whatever the majority of the committee decided I was bound to submit to. He insisted upon it that he should be the man to be appointed—that he had Sir John Macdonald's promise. I told him if Sir John Macdonald had said that, let him come to the committee and say it there. The same man called on me a second time, and kept me for about an hour talking over the matter, and I got sick of it. I made up my mind that this session I would ask to have my name dropped from the Contingent Committee. I was not here when the committee was appointed, but if this Bill should not be adopted, and I should come here for another session, I do not want to be a member of the Contingent Committee. I do not want to be dogged to death by people who want positions. I do not see why they cannot go to work, as other people do, instead of hunting round after a Government appointment. If a single page is wanted there are twenty applications for the position ; if there is a messenger wanted there are forty after it, and if any other position is to be filled everybody seems to want it. I do not think that this Bill tends to degrade the committee at all ; I think the matter would be better in the hands of the Government. They are responsible to the people. As a matter of course, so are we to a certain extent, but they are fully responsible to the people, and on them let the responsibility rest. It will be in our power, just as much if this Bill passes as it is now, to say to Government if they are doing what we do not think is right : "You are going wrong, and we will oppose you." We have the same privileges under this Bill that we enjoy now, and the change will be a blessing not only to those connected with the Committee on Contingencies, but to the country at large.

Hon. Mr. BOULTON—I think the Bill should pass the second reading, because, as the Premier has very properly stated, one object of the measure is to provide the means by which the money for carrying on the

internal economy of the Senate can be obtained through the ordinary channel. Apparently at the present moment there is no such means. With regard to the particular clause, concerning which there has been considerable opposition so far, the sting has been taken out of it by the change that his hon. the Premier has proposed to make. Whether that change will be sufficient to meet the case remains to be seen when the Bill goes into committee. So far as I am personally concerned, I think we should not relax any of the prerogatives we hold as senators further than the public service calls for as desirable, and it seems to me that we are being called upon to resign some of our prerogatives, and to place in the hands of a smaller committee, fixed by an Act of Parliament, the patronage and expenditures of the Senate. The Bill, I believe, provides that the Clerk of the Senate shall prepare an estimate for what is required and furnish it to the commission, and then the commission——

Hon. Mr. ABBOTT—The Clerk of the Senate prepares the estimate and sends it to the Finance Minister; the commission has nothing to do with it. It is just the same as is done now.

Hon. Mr. BOULTON—The same argument that has been applied to the reduction in number of this committee can apply to every committee of the Senate. It is a question whether it is a wise step to take. If we pass the Bill for that reason, three or four years hence a proposition may be made that all the committees should be reduced to five members each. Now, as long as there is no complaint and no necessity is shown for the proposed change, we should consider whether it is desirable to reduce the number of this particular committee. I think it is not desirable that we should get into a system of government by committees—a system that prevails very largely in the United States to-day. When a committee once passes anything it is taken for granted that the decision of the committee will be accepted by the House. Only the other day the hon. gentleman from Sarnia advanced as an argument against opposing the Bell Telephone Company's Bill at the third reading that we should not oppose it then because it had passed through the Committee on Railways, Telegraphs and Harbours. If it is taken for granted that the committee fixes the legislation, and that the Senate is to be controlled in that way, we should look at the question from that point of view. I advance these arguments now because now is the time to suggest amendments which we think should be made when the Bill goes into committee. Whether an amendment greater than the one proposed by the Premier should be made to the Bill as it stands is a matter that can be discussed in the committee.

Hon. Mr. MACDONALD (B.C.)—I wish to make a suggestion to the Premier before the Bill goes into committee, and it is that a member from every province should be appointed on this commission. It would make an excellent committee and it would be easier to find a quorum than if the commission were composed of only five members. It would be satisfactory to everybody and the committee would not be too large or too small.

Hon. Mr. GIRARD—When this question was first submitted to the House I was afraid of the consequences of passing such a Bill. I looked upon it as an invasion of the privileges and prerogatives of the Senate, but since then I have had time to reflect a little and my opinion is that the Bill will be rather an improvement than anything else. It is a very important change, but the organization which is to take the place of the Committee on Contingencies will have, perhaps, a better opportunity of rendering justice to every one than the present committee. I recognize the fact that the Committee on Contingencies has done its best to render justice to everyone, but it has not always been easy to act as they desired. We have had to consider many petitions and applications. If it had been possible to grant all the requests that were made, no doubt every member of the committee would have done so with pleasure. Of course that was impossible. With this commission there will be a better chance to make a wise choice in appointing employees. The commission will be composed of men who have occupied the first positions in the Senate. They will be here during the vacation as well as the session of Parliament, and they will have an opportunity to judge of the qualifications of all who apply for positions here. It will be a guarantee that the officers to be employed will be qualified for the positions they are to fill. It will also be a great relief to members generally. They will have nothing further to do with petitions that

employees are continuously making during the session for increases in salary, or other favours. But there is another consideration which I would like to submit to the Senate. In my opinion, under this Bill the smaller provinces will have a better chance of sharing in the appointments and promotions than they have had in the past. The larger provinces have had nothing to complain of in this respect, because they have great influence and manage to secure the lion's share. I hope that the smaller provinces will be properly represented when the commission is appointed. Some of the provinces that we call the smaller provinces now may, before long, be the larger provinces of the Dominion. If we look forward ten years and judge of the future by the progress that has been made in the past in Manitoba and the North-West Territories, those sections of the Dominion will be in a position of equality with what are now the larger provinces, and of course the Dominion will then be a very large country. I will support the second reading of the Bill with pleasure.

Hon. Mr. SCOTT—The Bill before us, as drawn, proposes to bring the internal economy of this Chamber into harmony with the system prevailing in the House of Commons, and I understand in the House of Commons the Board of Commissioners there practically superseded the Contingencies Committee—that there is no Contingent Committee there. I mention this fact, for I heard it stated in the debate before that this commission did not propose to supersede all the duties of the Contingent Committee only simply in the appointment of clerks.

Hon. Mr. ABBOTT—That is all.

Hon. Mr. SCOTT—But as I am advised under the interpretation put upon the clauses, which are quite similar to those in the House of Commons, the commission are to supersede the Contingent Committee—that not only all powers respecting appointments, but all other matters relating to the internal economy of the House rests with the Board of Commissioners. The Commons Board, I think, consists of members of the Government.

Hon. Mr. POWER—The Speaker and four members of the Government.

Hon. Mr. SCOTT—As the hon. gentleman says, it consists of the Speaker and four members of the Government, practically giving the Government, for the time being, control of the Chamber. I do not think it would be quite fair to adopt the same principle in this Chamber, for I presume if this Bill passes, the same principle will be in force here, and I do not think hon. gentlemen, when they come to appreciate the change, will be altogether satisfied. At the time the Internal Economy Bill was introduced into Parliament it was at first proposed to extend it, with certain modifications, to the Senate ; and my remembrance is that there was a considerable protest against it in this House, and the Government acquiescing in the views of the members of this Chamber finally consented that it should not apply here. The clauses of this Bill are entirely similar to the Internal Economy Bill of the House of Commons.

Hon. Mr. MILLER—No.

Hon. Mr. SCOTT—Section 1 of this Bill is section 10 of the Internal Economy Act of the House of Commons. It relates to the Speaker, and is almost word for word. Section 2 is practically section 11. I have the original Act here and, with the modifications necessary to make it applicable to this Chamber, the wording is almost the same. I was not in my seat at the time the explanations were given by the leader of the Government, but I understand that it was proposed to make certain alterations in that particular clause which would have the effect of making those appointments subject to the approval of the House itself and not by the Government alone.

Hon. Mr. MILLER—The hon. gentleman is keeping out of sight altogether the main point : that the House itself is to appoint the commission or the committee.

Hon. Mr. SCOTT—I was just coming to that. I stated I was not in my seat at the time that the explanation was given by the Premier, but I understood that he made a statement to the effect that he proposed to alter section 2 in order to give this Chamber the appointment of the commission. I am quite free to admit that a smaller committee than the present Contingent Committee would probably suit the purpose better. It must be apparent to every hon. gentleman that the larger a committee is the less is the individual responsibility, and if any excess of expendi-

ture is to be incurred, or any addition to be made to the expenditure it is more likely to be controlled and regulated by a small committee. I quite admit that the Contingencies Committee was quite open to that objection. At the same time I cannot admit that the Contingencies Committee have so gravely erred in the past that this reflection should be cast on them, for, no doubt, it is a vote of want of confidence on the actions of the Contingencies Committee in the past year, because it is to be presumed that the change is brought about for some good purpose, and that that committee has not fulfilled all that was naturally anticipated and expected from it. If the Bill is to pass, it would be matter for regret that the selections for the committee should be confined to members of the Privy Council. I think it would be rather an invidious selection to make in this Chamber. If the House itself selects the members of the commission, I think they ought really to be the best judges of what members of its own body would be best suited for appointment on that committee. I think it would be far better, taking His Honour the Speaker of course as one, that the other members should be selected by this body itself, without any reference to whether they are members of the Privy Council or not. The number of course is very limited, and that is an additional reason why it seems rather invidious. You might almost mention those who would be really eligible as members under this Bill, as the number is so limited, and I hope if the Bill is to pass, that the House will be prepared to accept an amendment in the direction that the selection shall not be limited to members of the Privy Council. I find that the other clauses of the Bill correspond entirely with the clauses in the Internal Economy Bill of the House of Commons.

Hon. Mr. ABBOTT—Perhaps the hon. gentleman will point out what clause in the Internal Economy Bill of the other House corresponds with clause 3 of this Bill.

Hon. Mr. SCOTT—Yes; the clerks of the House of Commons are not appointed by the Internal Economy Committee. The clerks are appointed by the Speaker, and I understand the practice is that the Speaker confers with the commission. I do not know that the change which was brought about in the internal economy of the other House has been altogether satisfactory, and I doubt very much if it were proposed to-day if it could be carried. However, the position here is entirely different. The Speaker of that House is much more amenable to the Commons than our Speaker is to the Senate. I am not speaking personally in any sense, but in point of principle, because the Speaker of the House of Commons is appointed by the Commons, while the Speaker of this Chamber is entirely beyond the control of the members of this House. Then, again, as far as the commission in the other House is concerned, they are members of the Government. We all know that the influence of members of the House of Commons is very much stronger with the Government in the House of Commons than the influence of members in the Senate. We all assume, and properly so, that the Senate is a more independent body. They do not enjoy the patronage that the other House does, and the position is different. There is an absence of a true parallel, in adopting the principle of the internal economy of the other House. The conditions on which that Bill was predicated do not exist in this Chamber, which, I think, is another fair reason for doubting the propriety of our departing from the rule that has prevailed in the past. The gentlemen who have advocated the change have in no sense reflected on the Contingencies Committee of the Senate. It is not alleged that they have not fairly or properly discharged their duty. I know that at times some of the contingencies were too high, and when attention was called to the fact a very marked improvement was made—probably to a much greater degree than it would have been had a commission been entrusted with the duty, because the Senate, as a body, felt that it was a reflection on them and they immediately went to the other extreme in reference to economy—more particularly on the subject matter pointed out by the hon. gentleman from Halifax. If one looks into the accounts of last year and compares them with accounts of antecedent years it will be seen that there is a very marked improvement, so that it is not a very opportune time for the introduction of a Bill of this nature. In the fourth clause, the only difference is that the power in the House of Commons Bill is vested in the Speaker by sec. 16. Sec. 5 is practically sec. 12 of the House of Commons Bill.

Hon. Mr. ABBOTT—Sec. 5 embodies our present practice exactly.

Hon. Mr. SCOTT—The Clerk prepares the estimate for the payment of the indemnity, mileage and contingent expenses, and the Sergeant-at-Arms prepares the estimates for the messengers, door-keepers, &c., under the approval of the Speaker. From the observations that were made in the earlier discussion of this Bill, one would assume that sec. 6 was a clause that was not in operation in the House of Commons. I find that that clause corresponds exactly with sec. 13 of the House of Commons Bill. It shows clearly that they have the control of the purse strings absolutely. In our own practice the officers of this House have had the control—that is, the signatures of the Clerk and the first accountant are required on a joint voucher to draw any money. They draw it from time to time, first submitting full estimates to the Speaker, and only drawing the money from time to time as it is required. I am sure it is not intended to insinuate that there has been any abuse of that power in the past. Section 7 is exactly similar, as far as it can be applicable, to sec. 14 of the House of Commons Act, and it is in order to thoroughly bring it into harmony with the House of Commons Act. Sec. 9 repeals sub-sec. 2. At the time the last House of Commons Act was before this Chamber, that clause was modified to read as it does now. If this Bill passes, all control of our moneys will be outside of this body. It will rest entirely with the Government; there is no question about that. The commission will be controlled by the Government, necessarily, and it is for the House to say whether one of the few privileges retained here are to be given up. If they are to be given up, then I hope that clause will be modified to provide that the Senate shall select its members on the commission from the Committee on Contingencies.

Hon. Mr. ABBOTT—I feel gratified that this subject has been debated in the moderate and fair way in which hon. gentlemen have spoken of it, but I am far from being satisfied that hon. gentlemen have really carefully appreciated what the Bill is going to do, and what it is not going to do. My hon. friend opposite says it will do away with the Contingent Committee. In reality I cannot see anything in this Act which affects the Contingent Committee.

Hon. Mr. SCOTT—They have no Contingent Committee in the other House.

Hon. Mr. ABBOTT—The Speaker settles a great many of these matters, and the Clerk settles a great many of them, and sub-committees of the commission settle a good many of them. The Committee on Internal Economy does not settle the disbursements of the House. It is done in an irregular way which is not settled by any statute; but it has by custom fallen into the hands of some of the officers of the House and there is no check on them. This Bill leaves the Committee on Contingencies exactly where it was before, except in the appointment of the officers, and that power is so given to the commission only on condition that the appointments are approved by this House. Now, in respect to every thing else this Bill is simply systematizing the financial connection between this House and the Government—nothing else whatever. Perhaps I had better take the clauses as the hon. gentleman from Ottawa commented on them, in the moderate way in which he did, and endeavour to explain what I understand to be the meaning of the Bill. With reference to the second clause, I may say that I incline somewhat to the idea of selecting the committee from members of this House who are members of the Privy Council. Many gentlemen of this House are men who have been Speakers of the House or executive members of the Government—that is, members of the Privy Council, but principally Speakers it will be in the future, and I conceive that from their experience gentlemen who have held the position of Speaker specially are better qualified than anyone else can be to regulate the internal economy of the House, and I think the suggestion of the hon. gentleman from British Columbia certainly deserves consideration, because it may happen that there may not be persons from each Province qualified to be members of the commission under this Bill; but I would be quite disposed to say at once that I would be in favour of enlarging the commission so as to permit each province to be represented on it, and in cases where a Province has not the advantage of being represented in the Privy Council here, I would recommend to the House to choose gentlemen from such Provinces who are supposed to be fitted for the position, but who do not possess

the qualification of being Privy Councillors. In that respect I should hope to meet the views of the hon. gentleman from British Columbia, and perhaps the hon. gentleman from Ottawa will not be indisposed to say that I propose what may be considered a fair compromise that may tend to the selection of a perfectly independent and very competent committee. Now, with reference to the first clause, it is merely a formal one to continue the Speaker's powers after the dissolution of Parliament until the appointment of a successor. There is no law for that at present, and I fancy it is a very useful provision. Clause 3 allows the commissioners from time to time to appoint officers, clerks and servants that are not appointed by the Government—that is to say, they recommend them; they do not appoint them. They recommend them to the House and the appointment is not valid until the House approves of them. The Contingent Committee now appoint in that sense—that is to say, they recommend persons for those offices. Their report is brought before the House, and, if approved, their appointments become valid. So exactly would it be with regard to appointments by this commission. The hon. gentleman from Ottawa seems inclined to think that we slight the Contingencies Committee by proposing this change. The Contingencies Committee is an important body, composed of as experienced members as are to be found in this House; but if a good many of these hon. gentlemen were disposed to state in private what their views are as to the exercise of this particular function—that is the appointment of officers—they would be inclined to say, perhaps all of them, that a large committee of that kind, subject to incessant importunity, and agitation something approaching to log rolling, have occasionally failed, and are liable occasionally to fail in making a perfectly impartial appointment, governed solely by the merits of the applicant.

Hon. Mr. POWER—Would the hon. gentleman tell me of any political body which does make appointments in the admirable way to which he refers?

Hon. Mr. ABBOTT—I suppose my hon. friend means to enumerate the universal doctrine that there is nothing perfect under the sun; but there are degrees of perfection, as there are degrees of expediency and convenience, and I may say that there are very few men who are within the sound of my voice will contradict me when I say that a small committee of five or six men who have been accustomed to the exercise of this function are more likely to make impartial and unbiassed appointments than a large number of gentlemen, who have warm hearts and kind feelings no doubt, and are moved by the representations of this or that widow that she is starving—that she has so many daughters and sons, and wants some assistance to enable her to carry on her household. No doubt all that is very benevolent and very kind, but I venture to say that it is not the kind of test one would apply to the selection of an officer in an ordinary business transaction.

Hon. Mr. POWER—The hon. gentleman means, I suppose, that Privy Councillors are harder hearted than ordinary members of the House?

Hon. Mr. ABBOTT—They may not be more hard hearted, but they may, through long experience, be a little more indurated on the outside, and their hearts are not so easily reached. I do not want to make an attack on the Contingent Committee, and I do not mean to say that the Contingent Committee deserves any attack; quite the contrary; I simply say that a small and carefully selected tribunal, chosen to exercise functions which members of it have been in the habit of exercising under a strong sense of responsibility is more like to make an unbiassed and meritorious selection for an office than a large committee entirely independent of, and bearing no relation to, the qualification or capacity of the candidates. I hope no hon. member of the Contingent Committee will think I am saying anything in any way offensive to him. I am a member of that committee myself, and the larger the body is, everyone knows, the more easily it is influenced by feelings of the description I have named; and as the hon. gentleman from Ottawa very sensibly observed a few minutes ago, there is a stronger sense of responsibility when it is distributed over a small number of persons. I am getting back to the point I wish to make, that the only change in reality made by this Bill from the system as it exists is in the appointment of the officers, and in the power of investigating any complaint against them and making a representation

as to that complaint to the Senate, leaving the Senate to deal with it. The Senate is not divested in the smallest or most remote degree of any power or privilege that it possesses. The Senate will not be one iota less powerful or less independent in the management of its own affairs if a small commission be appointed to manage these matters than with a large committee doing precisely now the same service. The third and fourth clauses are, therefore, with reference to appointments and the investigation of complaints, and those are the only two clauses which impinge in any respect on the offices or duties of the Committee on Contingencies. The fifth clause provides for the estimates of sums required for the Senate. At present the custom is that the Clerk of the Senate prepares those estimates : there is no law which authorizes the Senate to make the estimates and no tribunal to which the Clerk refers them. He makes the estimate himself and sends it to the Finance Minister and leaves it to be dealt with by the Finance Minister without any tribunal knowing anything about it. The sole change which this clause makes in that respect is that the Clerk must submit his estimate to the Speaker, who will supervise and approve of it if it is right, and suggest alterations if it is wrong. It is of no consequence to me in the world whether this Bill passes or not : I think it would be a benefit in the administration of our affairs, and it is for that reason that I propose it. If the Senate think that it would not be a benefit, I shall bend to their conclusion and say that they are right and I am wrong. This clause with regard to the contingencies does no more than sanction the practice which prevails now without any authority, giving to it the additional sanction of reference to the Speaker before an estimate is sent to the Finance Minister—not one syllable or letter more than that.

Hon. Mr. BOTSFORD—It has been the practice always, I believe, with the Clerk to refer the estimate to the Speaker, so far as my knowledge goes.

Hon. Mr. ABBOTT—The estimate does not bear any indication of it when it reaches the Finance Minister. I am informed by the Finance Minister that there is nothing to indicate that it has been submitted to the Speaker.

Hon. Mr. MILLER—I never knew of anything of the kind.

Hon. Mr. ABBOTT—My hon. friend from Richmond, who has occupied the position of Speaker, says he never knew of these estimates being submitted to the Speaker. While I find no fault with it, I say that those things are better done in an authorized and formal way than if they are merely governed by a practice which may or may not prevail for any length of time. Now, the sixth clause, as the hon. gentleman from Ottawa correctly observed, and the seventh and eighth clauses are practically the same as those in the Act relating to the other House. These clauses have no bearing at all on the jurisdiction of this House or on the proceedings of the Committee on Contingencies. They have nothing to do with the payment of members of the House or of any contingencies except in so far as they afford a means of conveying the hundreds of thousands of dollars that are necessary for the carrying on the entire affairs of the House, from the pocket of the Finance Minister to the pocket of the House.

Hon. Mr. SCOTT—They hold the purse-strings—"shall be subject to the order of the commissioners."

Hon. Mr. ABBOTT—No ; they do not hold the purse-strings. Suppose the amount to be one hundred and fifty or two hundred thousand dollars, that amount can only be transferred to the Clerk or the Accountant by some process or other. At present the Clerk gets it. In the other House an order is given by the commissioners when money is wanted, and when that is done the money is transferred to the Clerk or the Accountant. It seems to me that that is a better mode of transacting that kind of business than the present system, and it is probably a good deal safer. In order to get a better law it is not necessary that I should make imputations on those acting under the old law ; I only say that it is a better mode of transferring the proper accounts from the Finance Minister to the Accountant of the House than for the Accountant to go and get the money whenever it is required.

Hon. Mr. SCOTT—I will give an illustration of what I mean. The Committee on Contingencies want a certain amount—say seven thousand five hundred dollars ; the commis-

sioners think that it is an excessive sum, and they need not pay it. They have absolute control over it.

Hon. Mr. ABBOTT—My hon. friend is mistaken. The Accountant says, "I want fifty thousand dollars to pay members and to pay accounts"—this is the way it is done in the House of Commons—and he goes to the commissioners and states the amount that he requires. They sign a cheque and he gets that money; he is responsible for the payment of that money to the individual purposes for which it is applicable. He pays so much to members and so much to the Committee on Contingencies. If he pays it to the Committee on Contingencies he pays it under the sanction of that committee; if he pays it to members he pays it under sanction of the law which relates to indemnities. The Committee on Contingencies gives its orders, and those orders go to the Accountant, and he must pay them. If he has not enough money he must get money in a lump sum on a cheque signed by the commissioners and the Speaker. It seems to me that is a business-like way of doing it. I see no interference with the jurisdiction of the House. There is nothing here which would warrant the commissioners in refusing to furnish any money that the Accountant is bound to pay. By no implication are the commissioners given power to do that. The last clause of the Bill is very much the same as the present section 7, and provides for the same things. It was in order to have a complete law referring to our House that the clause was inserted at full length with such modifications as the subject demanded, and was repealed in the general Act, so there is no change in that respect. Now, I want hon. gentlemen to understand that everyone has perfect freedom to make any suggestion for the improvement of this Bill. I am prepared to give the most careful and favourable consideration to any suggestion that may be made I would refer this Bill to a Committee of the Whole or any select committee——

Hon. Mr. POWER—Send it to the Committee on Contingent Accounts.

Hon. Mr. ABBOTT—I suppose my hon. friend does not make that suggestion seriously. When I said I would give most favourable consideration to any suggestion that might be offered I meant suggestions seriously made.

Hon. Mr. POWER—The Bill would be considerably improved in the Committee on Contingencies.

Hon. Mr. ABBOTT—I do not consider this a Government Bill or a party measure. I ask the House to pass the second reading, and I shall afterwards by preference refer it to a Committee of the Whole, where every clause may be fully discussed before the House.

Hon. Mr. READ (Quinte)—I have been anxiously waiting to hear some reason for this change and I have heard none yet. It has not been asserted that the committee has not exercised its functions wisely, or to the satisfaction of the House. I have been on that committee for thirty years, off and on, and was for a part of the time its chairman. According to my view of things, the aim of the committee has been to economize in every way consistent with efficiency, and for a number of years back the expenses of the committee have lessened. This year they will be $2,300 less on salaries than last year. In 1886 the salaries were $32,578, in 1891 they were $32,601. These are the very things that are taken away from the recommendation of the committee. The committee will not have an opportunity of considering these matters and giving their opinion to the House. I should like to know what the Committee on Contingencies will have to do after this. Certainly they will not have any control of the Clerk's accounts that are submitted to them and which are carefully examined by a subcommittee.

Hon. Mr. ABBOTT—Yes; they will have all of them.

Hon. Mr. READ (Quinte)—Oh, no.

Hon. Mr. ABBOTT—Perhaps my hon. friend will show us the clause which takes that away from the committee. My hon. friend has some ground for saying what he does; I should like to know what it is.

Hon. Mr. READ—I do not see that they have any control over the Clerk's accounts after this.

Hon. Mr. ABBOTT—We do not touch them at all.

Hon. Mr. READ—I do not see it in that light. I do not see that the committee will have anything to do. The committee had

better not be struck, so far as I can see. What is the reason for this Bill? Has not the committee performed its functions in accordance with the wishes of the country and the House? Has the committee been extravagant? I admit that at times they have passed motions that I did not agree with; but I should like to know if we have not had equal cause to complain of any Government that we have had in power? Will there be any benefit from this change? Will it make matters better? Who desires this change? I must suppose it is the Finance Minister. He has got something that he wishes to take away from the Senate, which has very few privileges, and it will go from one thing to another until we will soon have nothing left. It was only a few days ago that they were talking in the other branch of Parliament of taking away our reading room. While I generally sustain the Government when they are right, and sometimes possibly when they are not, I cannot support this Bill. Why should I consider their judgment better than my own? I think I have as good judgment as anybody else, and I am not going to give up my judgment for that of anybody else when there is no necessity for it. The Committee on Contingencies has generally done justice; it has considered all the applications for appointments that have been submitted to it, and in most cases have given satisfaction, and such has not always been the case when Governments have made appointments.

Hon. Mr. McINNES (B.C.)—I agree with the hon. gentleman from Quinte in failing to see any good reason why this Bill should be introduced. However, after the explanations made by the hon. the Premier, it is a less objectionable measure to me. I concur with my hon. friend from Quinte in thinking that we ought to jealously guard the few privileges that are left to us. There can be no question about it, we are giving up something here which, once parted with, can never be recovered. I can see no good reason why every object contemplated by the Bill cannot be attained by a small committee of eight or nine. I was very much pleased indeed to hear the Premier accepting the very proper suggestion made by my colleague from Victoria. It is in accordance with my own views, and the views of many other representatives from the smaller provinces. If the Bill should be sent to a Committee of the Whole I have prepared an amendment to the second clause to be inserted after the word "Speaker," which would make it read as follows:—

"The Speaker of the Senate, for the time being, and one senator from each province of Canada, and one senator from the North-West Territories, the said senators to be respectively designated by the Senate at the commencement of each Parliament, or as often as a vacancy occurs by death, resignation or inability to act."

Hon. Mr. HOWLAN—Is that a notice?

Hon. Mr. McINNES (B.C.)—No; there is no necessity to give a notice. I merely state that when the Bill goes to the committee I will move that as an amendment to the second clause of the Bill. I am very much pleased to find that the Premier has accepted the suggestion of my colleague. My reason for wishing to amend the Bill is this: A few years ago, when the hon. member from Barrie framed his rules to govern the Divorce Committee, I remember well that the Premier, in selecting the members of the committee, stated that he wanted to make it a committee that represented each province and territory in the Dominion. He carried out that suggestion, notwithstanding that four out of the seven provinces had divorce courts and were therefore not interested to the same extent as those provinces that had no divorce courts. This amendment of mine would be in the same direction. I would also call the hon. Premier's attention to the fact that there is a provision in cap. 13, sec. 17 of the Act governing the House of Commons that it would be well to make a part of this Bill. The seventeenth section of that Act requires the Clerk of the House of Commons, and all other officers and employees of that body, to subscribe and take the oath of allegiance. It would be well to adopt that same clause here, because a few years ago I was informed we had a messenger who was not a subject of Her Majesty, and if such a provision is expedient in the House of Commons it is equally necessary here.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. ABBOTT moved that the Bill be taken into consideration by a Committee of the Whole House on Tuesday next.

Hon. Mr. BELLEROSE—I should like to know if the hon. member from Victoria intends to move the amendment that he suggested a few minutes ago ?

Hon. Mr. McINNES (B.C.)—I gave notice of an amendment that I thought was desirable.

Hon. Mr. BELLEROSE—If the hon. gentleman does not intend to move it, I have prepared one myself that I will move when the Bill is in committee. It is to the same effect as the one which my hon. friend suggested.

The motion was agreed to.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa, Thursday, May 12th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BUCKINGHAM AND LIEVRE RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (H) "An Act to incorporate the Buckingham and Lievre Railway Company," with certain amendments. He said: The first amendment to this Bill is in the clause which states the direction which this road is to run. By the Bill, as it came to us, it was required to pass along the River Lievre, and as the railway projectors did not desire to make it quite so crooked as that river, they asked to amend the Bill by putting in the words "along or near the river." To such an amendment, I presume, there will be no objection. The next amendment is that which introduced the provision that this work shall be declared a work for the general advantage of Canada. The next amendment is to introduce the word "connects" in the clause which gives authority to make agreements with other lines. These are the amendments with the exception of the concluding clause in the report which it is my duty also to explain to the House. This charter, as applied for, is for the construction of a line of railway from Buckingham up the Lievre River to its source, and also to continue that undertaking south from Buckingham to the River Ottawa, and to cross the River Ottawa by a bridge, and then to connect with other lines through the Province of Ontario. The House is probably aware that by our 66th rule it becomes the duty of the committee to whom a private Bill is referred to report whether there is any difference between the Bill as it was brought before them and the Bill which was originally applied for by petition and notice given. In this case all the provisions which give authority by this Bill to construct a line from Buckingham to the River Ottawa, and a bridge across the Ottawa, and the connecting lines from that bridge to other railway lines in Ontario were left out of the notice. No notice was given of them and it became our duty to report that fact to the House, so that the House might deal with it as they chose. In connection with that a question was asked by the hon. gentleman from Sarnia as to whether the notices were regular in other respects, as to time, and I felt it my duty to look into that, and I have now in my hand the report of the Committee on Standing Orders and Private Bills, to which committee this Bill had been referred, in which they state that the notices were short in point of time, but recommend the suspension of the rule, and the rule was accordingly suspended. But the fact that the notice was short I felt bound to state to the House. It is for the House to determine whether they will pass this Bill now, or take it into consideration at a future day. My duty is discharged when I state the nature of the amendments.

Hon. Mr. CLEMOW moved that the amendments be concurred in. He said: The chairman has given a fair explanation of all the changes that have been made, and I do not think they interfere with the Bill in any respect.. It is true, what he says, that there was no notice given of this bridge and connection but it does not affect anyone. It is rather an improvement in the Bill as it was originally introduced.

The motion was agreed to, and the amendments were concurred in.

Hon. Mr. CLEMOW moved the thrid reading of the Bill as amended.

The motion was agreed to, and the Bill was read the third time and passed.

SECOND READING

Bill (G) "An Act for the relief of Hattie Adele Harrison." (Mr. Sanford.)

CANADA ATLANTIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (64) "An Act respecting the Canada Atlantic Railway Company." He said: The company ask power to construct, equip and maintain a telegraph and telephone line along the line of their railway. It appears that from some cause or other they have not had the necessary telegraphic or telephonic connection and they now apply for power to construct a line. They also ask for an extension of five years of the time for the completion of their road.

The motion was agreed to, and the Bill was read the second time.

ALBERTA RAILWAY AND COAL COMPANY'S BILL.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (39) "An Act respecting the Alberta Railway and Coal Company." He said: The company ask for power to further extend their railway through the Crow's Nest Pass to a point where a connection may be conveniently made with the Canadian Pacific Railway. They also ask for authority to construct, maintain and operate irrigation ditches in the District of Alberta. Of course they ask for power to impose certain charges for the use of these irrigation ditches, but these charges must be submitted to and approved by the Governor in Council. The work referred to must be commenced within three years and completed in six years, and in the case of irrigation works the limit is seven years.

The motion was agreed to, and the Bill was read the second time.

INLAND REVENUE ACT AMENDMENT BILL

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (71) "An Act further to amend the Inland Revenue Act."

On clause 2, sub-section 2—

Hon. Mr. POWER—I think that this subsection is going rather far:

"2. No person shall sell any bottle, flask or other package containing whiskey or other spirits, unless the name and address of the person by or for whom such bottle, flask or other package has been filled are marked thereon by means of a label, stamp or other device."

The penalty for violation of this clause is $50 for the first offence, and for each subsequent offence $100, and in addition thereto a penalty in either case equal to 50 cents per gallon of the reputed contents of the bottles, flasks or packages so illegally sold. I think that this is an undue and unnecessary interference with the liberty of the subject. These two Departments of Customs and Excise are sending us Bills every year further to curtail our privileges and to impose penalties for things which are not done in a certain way. Now, take this case: The sale of a flask of whiskey containing a pint. The distiller pays an enormous license to the Government, then the wholesale dealer pays a license to the local authority, and the retail dealer pays a license to the local authorities. The retail dealer has a cask of whiskey in his shop which has paid to the Government large sums in the way of revenue, and if a man comes in, a traveller or any other man, and requires liquor and asks for a pint flask of whiskey, and there does not happen to be a bottle with a stamp on it convenient, the liquor dealer sells this man a pint of whiskey in a bottle which is not stamped, and for so doing he is liable to a penalty of $50. I cannot see what object there is in compelling a dealer to put his stamp on the flasks. I do not think this is legislation which should be encouraged, and I propose to vote against this sub-clause.

Hon. Mr. DICKEY—I quite concur in what has fallen from my hon. colleague. I think it is a very arbitrary exercise of power to oblige such a provision as this to be carried out; but the difficulty is how is it going to be done? In the province that I come from there was, a short time ago, a local Act in force which prevented a person from buying liquor at all for any purpose unless he bought a certain amount, and he was not permitted to consume it on the premises at all—he had to carry it away in some bottle or flask. It was drawn out of the cask or keg and put

into some vessel and taken away, and that was the state of things for a long time, and, for all I know, is the state of the law now. How is it possible in the retail trade in liquors all over the broad face of this country that the Government could enforce such a provision as this ? It would simply lead to the greatest confusion, and the greatest oppression in many cases, and to blackmailing. But there is a constitutional question behind. The question of regulating the wholesaling of liquor is largely given over to the federal power, but the regulation of retail selling is provincial, and is regulated by unquestioned laws in all the provinces, and they require that this shall be done in such-and-such a way. Has this Parliament not only the exclusive power of legislating for wholesaling but also concurrent power of legislating for retail ? We are undertaking a rather heavy contract to pass legislation of this kind, for it seems to me a question will arise which will have to be settled after a great deal of litigation and expense. I hope the Government do not propose to enter into a campaign of that kind for the purpose merely of enforcing rules for which no reason has been given, and, for all I know, I am not aware that any reason can be given. At all events these are reasons connected with the departments, the subordinates of which seem to be constantly looking about for something to do—to enforce some regulation that will make it very inconvenient and oppressive for the people. I do not speak on this matter as merely affecting this particular class of trade ; but we are going down into a question as to which it is doubtful whether we have any power to legislate—that is, the selling under license granted by the local authorities, who, I repeat, have the sole power of issuing these licenses. Therefore, I think we are trying to put our hands into a pie that we had better keep out of. At all events on every ground this clause is to my mind objectionable.

Hon. Mr. KAULBACH—The principle of this Bill has been adopted by the House over and over again in legislating on the question of trade marks and designs.

Hon. Mr. POWER—There is no question of trade mark or design in this case.

Hon. Mr. ABBOTT—I do not think the question of jurisdiction over retailing of liquors applies at all to the provisions contained in this clause. In point of fact this clause is inserted for the purpose of endeavouring to get some sort of knowledge of the character of the liquor sold, which falls within the duty of the Inland Revenue Department more especially. The difficulty that it is intended to remedy is this : that the practice of manufacturing liquors from drugs—of course the basis being highwines—throughout the country is increasing every day, and in many places, perhaps in all, for aught I know, liquors are branded with well known names, which in reality are concoctions manufactured by people on the spot, or in the country at all events, and the fact of a bottle being marked " Hennessy's " brandy, or anybody else's brandy or gin, in nine cases out of ten is no proof at all of the quality or character of the liquor which is contained in it. In selling liquor marked in that way they sell well known brands, and the persons who deal in it and so mark the bottles are guilty of a breach of the trade mark law, and once these bottles get into circulation it is impossible to find out who the parties were who committed the fraud, adulterated the liquor and gave it such inappropriate names, thereby violating the trade mark system. The Legislature for two consecutive sessions have been endeavouring to discourage this traffic and have found their efforts unavailing entirely up to this time. They have, in two different Acts, restricted the manner of language which may be used in the labels which are stuck upon these bottles and packages, but they find that that is ineffectual in preventing fraud, and that the practice of compounding liquors is increasing every day. What they want to obtain by this clause is that the person who makes this fraudulent package shall be known—that his name shall be upon it, and in order to enforce that regulation a person who sells a package of that description, which is not inscribed with the name of the bottler, will be subject to a penalty. I am assured by the Department that it is absolutely necessary, in order to give them any control over this fraudulent manufacture of liquor or to get any hold on it, that they must have some mode of tracing it, and this is the best, in fact the only mode I can see for tracing the party from whom the fraudulent article comes. I do not know that there should be any sympathy for the man who takes highwines and mixes it with drugs and bottles it and labels it with the name of

some liquor that a man can safely drink. I do not see what sympathy there should be for such persons. The law is plain enough, but where there is such temptation to violate it, it is necessary to make the penalty heavy to stop it or check it at all. That is the object of this clause. It does not seem to me to be interfering with the liberty of the subject to say that when a person bottles liquor and exposes it for sale and sells it or disposes of it in any way on the representation that it is liquor of a particular kind, he should be compelled to put his name on the package, especially when it may be a composition more noxious than liquor itself. I hope the Senate will not stand in the way of enabling officers to perform their duty in endeavouring to enforce the obligation of those who sell liquor to sell what they pretend to sell, and not some noxious concoction under the pretense that it is legitimate liquor.

Hon. Mr. O'DONHOE—I would like to ask how the matter will stand in case the person who puts up the package puts his name upon the label. The producer takes it away, empties it of its present contents, and gets it renewed elsewhere. The same name is still on the label that was originally upon it. So the bottle may circulate, while its contents may as many times as the bottle is filled ?

Hon. Mr. ABBOTT—The name on the label is only *prima facie* evidence. It is not conclusive evidence against the person who sold the package.

Hon. Mr. LOUGHEED—Why not make the seller liable ?

Hon. Mr. ABBOTT—The seller is liable.

Hon. Mr. LOUGHEED—No ; only the person by whom the bottle was originally filled. Certainly the intention cannot be carried out by the construction of this clause.

Hon. Mr. ABBOTT—Make the vendor liable for the liquor which he has bought in good faith—bottles of brandy, gin or wine, or such liquors as are sold in that form—how is the man who retails that liquor to know that it is fraudulent liquor ? He buys it from the person who gives his name as the bottler, with all the outward indications of genuineness, described as a particular kind of liquor. Surely he should not be compelled to pay a fine for selling it, not having any possible means of knowing what it contains.

Hon. Mr. POWER—The general desire of the Senate is to help the Government through with their measures, and to make them as perfect as possible. That is our business. I do not think the hon. leader of the House has given sufficient attention to the objection raised by the hon. gentleman from Toronto, or the suggestion of the hon. member from Calgary. We all sympathize with the desire that liquor should be good ; if people are to drink they ought to have good liquor. If the hon. gentleman had told us at the beginning that the object of this sub-clause was to prevent the sale of bad liquor, we should all have been anxious to improve the sub-clause and the liquor too. If the hon. gentleman will look at the clause I think he will see that it will not really carry out the object of the department—"No person shall sell any bottle, flask or other package containing whiskey or other spirits." That does not deal only with cases where these flasks are the original packages at all. The thing which is most frequently done, and which generally leads to the sale of bad liquor, is the practice referred to by the hon. gentleman from Toronto. A man gets a flask which has contained good whiskey, and he fills it with inferior whiskey. I am satisfied that the Premier can word the clause in such a way that it will carry out the intention of the department better than in its present form—"unless the name and address of the person by or for whom such bottle, flask or other package has been filled." It has been filled for the original seller of the whiskey, and it has been emptied since. It should be the name of the seller or the person whose agent the seller is. "The vendor" would cover the salesman and the shop-keeper both. I think the hon. gentleman will find no difficulty in driving the proverbial coach-and-four through the clause as it is.

Hon. Mr. ABBOTT—I will take the risk of that. It seems very clear.

Hon. Mr. POWER—Suppose there is a flask with Walker's brand on it, and the flask is emptied and the grocer or retail dealer puts a very inferior quality of whiskey into that flask, what can you do to him ? The name or address of the person by or for whom that bottle was filled was marked there—the bottle was filled for Walker.

Hon. Mr. ABBOTT—My hon. friend surely will not pretend that this clause will apply to

a bottle that has been tampered with and emptied ? The package means, of course, an unbroken package. If it is broken the clause cannot apply to it. The punishment for selling compounded liquors is detailed in the statute. This is to enable some trace to be kept. Surely my hon. friend will not pretend that this language would apply to a bottle from which the original label or marks had been removed.

Hon. Mr. POWER—If it does not apply to that it is perfectly useless.

Hon. Mr. LOUGHEED—Why not improve the clause by requiring that the bottle or package shall be sealed by the bottler ? That would obviate the difficulty.

Hon. Mr. O'DONOHOE—There are bottles at present bearing the labels, not only of Walker's but of Gooderham & Worts, having the capsules on, the year of bottling and the brand of the Custom House. These capsules are ingeniously taken off the bottles, the whiskey consumed and the bottles filled with inferior whiskey, and those bottles have all the marks of genuineness on them that were on the original bottle. Now, how can that be met ?

Hon. Mr. ABBOTT—There is a crime involved in that.

Hon. Mr. O'DONOHOE—Granted there is. Say in the North-West Territories the crime is committed and the man is perhaps 500 miles away—you cannot trace him. I feel the clause is perfectly impracticable, and I cannot see any good that can come out of it —nothing but embarrassment.

Hon. Mr. ABBOTT—My hon. friend's argument that the ingenuity of man will find some way of evading the law is not an argument against this legislation. The same argument would apply to every law that we put in the statute-book. The law will be evaded by some people ; but we must try to make the best laws we can. The fraud which the hon. gentleman describes is an offence punishable with fine, or imprisonment, or both. If we can find out the man—if he is not 500 miles away without any trace of his whereabouts—we can punish him, but he will not be punished under this statute. This is to punish the dealer who deliberately sells liquor without the sanction that the law requires as to its genuineness.

Hon. Mr. ROSS—I believe the best way would be to send to gaol or penitentiary the man who is found with adulterated liquor in his possession. If we had such legislation you may be sure that everyone would take good care not to be found with adulterated liquor in his possession.

Hon. Mr. POWER—Suppose for "person" you say "vendor or person."

Hon. Mr. ABBOTT—My hon. friend surely does not mean that proposition seriously. Is not a vendor a person ? That would only complicate the construction of the clause. The vendor may not be the person for whom the bottle was filled.

Hon. Mr. POWER—He is the person who ought to be subject to the penalty.

Hon. Mr. ABBOTT—So he is. The clause says "any person." Now, my hon. friend the Speaker suggests that men in whose possession adulterated liquor is found should be punished. That was the first attempt to punish adulteration, but it was found to be calculated to do such enormous injustice that it was materially modified by subsequent legislation. Under a similar rule to that, at one time persons having adulterated tea, sugar or coffee in their possession were punished. It was found impossible to get a jury to convict under such circumstances, because it was easy to prove that the person in whose possession the adulterated articles were found had taken the ordinary precautions in buying it—that they themselves were deceived in purchasing it—so it would be the height of injustice to punish a person found with adulterated liquor in his possession unless it was proved that he had some complicity in adulterating it. This is legislation to make it more and more dangerous for persons to compound liquors and send them out in packages without attaching to the packages the means by which the fraud can be detected, or at all events by which aid can be obtained in detecting it.

Hon. Mr. DEVER—All this discussion might be settled by the Premier perceiving that, while there is a difference between the Inland Revenue duties and the Custom duties, adulteration must take place, and no Inland Revenue officer can stop it. It is not fair to say that liquors are adulterated by drugs, etc. We know that the report of the Dominion analyst shows the adulteration of liquor

does not take place in this country by means of drugs. The only adulteration that goes on and must go on under the present system is the result of the difference between the Inland Revenue duties and the Customs duties; in consequence of that difference, the pure spirit that the Premier speaks of naturally will find its way into consumption on a large scale. We know that this spirit is strong, and it is reduced by means of water and infused into foreign liquors. The complaint of the trade is that the Government has arranged matters so that it is utterly impossible to carry on the trade, because it is considered desirable to promote the well-being of the manufacturers. The protection of the local manufacturers is so great that the wine dealers are induced to infuse large quantities of spirit into their liquors. I believe the Inland Revenue officers encourage this because they want to show the large volume of liquor manufactured in the country. Until there is more uniformity between the Inland Revenue duties and the Customs duties the difficulty will continue, and it is the desire of the Inland Revenue Department, in my opinion, to encourage it. There is no use in putting labels on bottles to stop this, it is all humbug.

Hon. Mr. SNOWBALL—Why are not wines included in this Bill ? A strange case came under my notice a short time since. A claim was made on a railway company for some cases of wine that were broken into. I had occasion to look into the matter myself. The appearance of the bottles was suspicious, and I found that the contents of all, though they had different labels, were the same, except that there was a difference in colour. In my opinion they contained a compound that was rank poison. At all events, I gave the claimant such a fright that he did not press his claim, and all the bulk of the stuff was destroyed there and then. This material came from Montreal where, I was told, it is manufactured on a large scale. This stuff is sold to retail dealers ; and young people who would not drink whiskey or other strong liquors, drink this compound which, in my opinion, is more calculated to set them crazy than whiskey. I approve of legislation to prohibit the sale of adulterated liquors, and I hope the Premier will make the Bill apply to wines as well as to the stronger spirituous liquors.

Hon. Mr. POWER—The section of the Inland Revenue Act to which this Bill refers deals only with spirits that pay excise duties and does not refer to wines at all. You could not very well insert anything in this Bill to stop this ; it is all humbug.

Hon. Mr. DICKEY—This clause has been treated as though it were an amendment to the Adulteration Act. A gloss is attempted to be thrown on this by saying that it is a protection against the sale of adulterated liquors, but this clause will strike at the trade of a person who sells pure and wholesome liquors as well as at those who sell "white eye" or compounds of the same description. Enormous quantities of bottled liquors without stamps are imported in cases and these are in the hands of dealers throughout the country. The bottles may be labelled with the names of the liquors they contain, but unless they have also the name of the person by or for whom they were bottled, the vendor is liable, under this clause, to a fine of $50. That, I do not hesitate to say as a lawyer, is the operation of this clause. Are we going to strike at all these people who are perfectly innocent of any desire or intention to infringe on the revenue laws ? The liquor may be pure and wholesome, but the offence, under this clause, is that the bottle is not stamped with the name of the person by or for whom it was bottled. So that if a person comes in to a place where liquor is sold out of a cask and buys a bottle of liquor, and the bottle is handed to the purchaser without a label on it showing by whom it was bottled, the dealer is liable to a fine ?

Hon. Mr. ABBOTT—Not at all.

Hon. Mr. POWER—That is the way it reads.

Hon. Mr. DICKEY—The attention of the committee is diverted from the true construction of this clause by a reference to protection against adulteration. That has nothing to do with the question, and it misleads, because the Bill has no connection whatever with the question of adulteration. It may be an aid in discovering adulteration, but in trying to do that you are punishing a man for doing a thing which is far removed from adulteration or selling adulterated liquors. In other words, it is striking at the innocent seller of a good article—selling it perhaps in the state in which he got it, and which he may

have had in his possession for a long time, and in large quantities, just as he imported it under the existing law. The enforcement of this clause will be simply impracticable, and if it could be enforced it would be most tyrannical.

Hon. Mr. POWER—I do not say that the Premier is incorrect in his interpretation of this clause, but as it is susceptible of doubt, perhaps it would be as well to let it stand and the hon. gentleman can look at it again.

Hon. Mr. ABBOTT—My hon. friend makes a very insiduous proposition, and it sounds very reasonable, but the language, it seems to me, is as clear as it can be.

Hon. Mr. POWER—That is a poor compliment to the hon. member from Amherst and myself.

Hon. Mr. ABBOTT—I may mention in support of my view the fact that this phrase is used throughout the Inland Revenue Act wherever it speaks of bottles and flasks. This clause will not prevent a person selling liquor out of a cask; it will prevent the sale of bottles or flasks, or packages—that means a package in itself. It does not propose to prohibit a man selling a pint of liquor out of a cask. You could not put a label on a pint of liquor. It is the completed package that this phrase refers to, and we have used the same language throughout our legislation from year to year as indicating a complete package.

Hon. Mr. DICKEY—I put it both ways, bottled liquor as well as liquor sold by the pint. What does the hon. gentleman say of the hundreds of thousands of cases of bottled liquor now in the country without having on them the labels of those who bottled them? The innocent purchaser of those bottles is liable, under this clause, to a fine. He does not know the name of the bottler, yet he is bound to put the name on the bottle or be subject to a fine.

Hon. Mr. ALLAN—As I understand the explanation of the Premier, this clause means any original package, not a bottle filled with liquor out of a cask by a dealer.

Hon. Mr. ABBOTT—Certainly.

Hon. Mr. ALLAN—If the word "original" is put in there, would it not be plainer?

Hon. Mr. ABBOTT—I am afraid that to put in the word "original" would only add another difficulty to the construction of it—what would original mean?

Hon. Mr. POWER—"Original package" is defined in the Act, I believe.

Hon. Mr. SNOWBALL—Why should not the seller of a pint of liquor be compelled to put his label on the bottle, whether the bottle is brought to him by the purchaser or supplied by himself? Grocers generally put their labels on what they sell, and it would be no great hardship, and very little expense, to require the vendor to label the bottles that he fills. It would certainly put a responsibility on him and he would be careful how he sold adulterated liquors.

Hon. Mr. DICKEY—This clause requires the dealer to give, not his own name at all, but the name of the person by whom the bottle was filled.

Hon. Mr. ABBOTT—Or for whom the bottle was filled.

Hon. Mr. DICKEY—We are talking about draft liquor and liquor in original packages. The liquor must have the label of the bottler.

Hon. Mr. CLEMOW—The bottler could do that.

Hon. Mr. POWER—The hon. gentleman from Miramichi is talking of an entirely different case from that spoken of by the leader of the House.

Hon. Mr. ABBOTT—I do not think he is.

Hon. Mr. POWER—As I have said already, I do not mean to say that the construction put on this clause by the leader of the House is incorrect; but the clause as it stands is susceptible of two interpretations. That is clear from the fact that the hon. gentleman from Miramichi, who is disposed to agree with the leader of the House, and the hon. gentleman from Amherst, and myself, put different interpretations on the clause from that put on it by the leader of the House. My suggestion is, in order that the doubts which are entertained on the subject may not be hereafter settled in the courts, that the leader of the House should let the clause stand and have it so worded that there cannot be any reasonable doubt as to its meaning. That is not an unreasonable request.

Hon. Mr. ABBOTT—If my hon. friend asks me to let the clause stand, as I have been in the habit of doing so when requested, I say by all means let it stand; there is no hurry about it. But if it is in order that I may frame a clause which is not susceptible to difficulty of construction I see no object in doing so.

Hon. Mr. POWER—Will the hon. gentleman let the clause stand until to-morrow?

The clause was allowed to stand.

On section 3, sub-section 2,—

Hon. Mr. ABBOTT—In regard to this clause dealing with the sale of cigars, I propose to submit an amendment. As the Bill now reads it is provided that—

"2. Cigars, when put up in packages of three or six cigars, shall not be sold or removed from any licensed factory in lots of less than one hundred cigars; but this provision shall not affect licenses now in force."

The practice of manufacturers selling small lots of cigars from the factory is a practice which it is desirous to discourage. It is very obvious it would give an opening for many things which are not expedient or suitable, and moreover it is hardly fair to retailers that manufacturers should sell small packages of goods. However, with that we have very little to do. I propose to strike out the words "but this provision shall not affect licenses now in force," in the latter part of the clause, and add the following as sub-section 3:—

"The provisions of the last preceding sub-section shall not affect licenses now in force, and the Minister may also exempt from its operation for a period not exceeding one year from the termination of such license any factory the owner of which, in the judgment of the Minister, would be unduly prejudiced by the same being earlier brought into operation."

The amendment was agreed to.

Hon. Mr. VIDAL, from the committee, reported that they had made some progress, and asked leave to sit again on Monday.

The report was agreed to.

The Senate adjourned at 5 p. m.

THE SENATE.

Ottawa, Wednesday, May 18th, 1892.

The SPEAKER took the Chair at 4 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (50) "An Act respecting the Ontario Pacific Railway Company." (Mr. Power.)

Bill (63) "An Act respecting the Pontiac Pacific Junction Railway Company." (Mr. Dickey.)

Bill (56) "An Act to confirm the agreement between the Tobique Valley Railway Company and the Canadian Pacific Railway Company." (Mr. Boyd.)

HIGH RIVER AND SHEEP CREEK IRRIGATION AND WATER POWER COMPANY.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (23) "An Act to incorporate the High River and Sheep Creek Irrigation and Water Power Company," with certain amendments. He said: The leading amendments to this Bill, although very long, do not require a very long explanation. The Bill as introduced is substantially the Bill which is now to be passed as amended—in other words, the Bill which came to us from the House of Commons is restored to the original form in which it was asked by the petition and notice. The Bill as it came to us gave power to this company for irrigation and other purposes to establish these irrigation ditches and works all over the enormous district of Alberta, extending some hundreds of miles along the foot of the Rocky Mountains, and far into the prairie, and the application for the Bill only asks for power to construct these works over a limited area within that district, and the notice and petition were conformable to that. On considering the Bill before us it was thought to be quite sufficient to give the promoter of the Bill all the power that he asked for originally and to make that as perfect as we could. I wish to explain briefly that this amendment, which is the only amendment, except verbal ones, is for the purpose simply of restoring the powers given by this Bill to the original form in which they were applied for. They are sufficiently extensive, as they will cover a

great many hundred miles of ground. I see nothing to prevent the House agreeing to them, and I am not aware that there is any opposition.

The amendments were concurred in.

Hon. Mr. LOUGHEED moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

LONDON AND PORT STANLEY RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (22) "An Act respecting the London and Port Stanley Railway Company," with amendments. He said: This railway company is in a peculiar position from the fact that nearly the whole of its stock is owned by the two cities of London and St. Thomas, and this Bill asked, very reasonably I think, that those cities should be enabled to exercise their voting powers in respect to a certain class of business of the company, especially as to the choice of directors. On the matter being discussed before the committee, the promoters of the Bill found out that there were various other matters as to which they had not asked for those powers, and they proposed this amendment to section 2, which gives voting powers to persons representing the two cities. The basis upon which that is to be done is to give one vote for each share, and they asked to have that power for the purpose of attending the meetings of the company and voting for directors. It is to extend that same power to any other purpose for which a special meeting may be called, such as making traffic arrangements, leasing or amalgamating, that the amendment is made. I think they are entitled to it and that the House can at once concur in the amendment.

Hon. Mr. LOUGHEED moved that the amendment be concurred in.

The motion was agreed to, and the Bill was then read the third time and passed.

CANADA ATLANTIC RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (64) "An Act respecting the Canada Atlantic Railway Company," with an amendment. He said: By this Bill the company ask that some rather extensive powers be given to them, and amongst others the power of building telegraph and telephone lines along their railway and to connect those lines with the lines of other similar companies. As the Bill stood, they received those powers with the additional power of making connections with other lines to the distance of three miles. Upon consideration, they found that that was too short and they asked for power to make the connection with other lines within 15 miles of their track. As the House had agreed to give the additional powers of connection, it was thought reasonable to give them power to connect with any telegraph or elephone system within a distance of 15 miles.

The amendment was agreed to.

Hon. Mr. CLEMOW moved the third reading of the Bill.

Hon. Mr. POWER—Before that question is put I should like to know whether there is any limitation of the right of this company with respect to the tolls to be charged.

Hon. Mr. CLEMOW—That is all subject to the regulation of the Governor in Council.

Hon. Mr. DICKEY—I do not see anything n the Bill as regards the rates which are to be charged.

Hon. Mr. POWER—I do not see why this company should be put in any different position from any other company. I think that the rates which they charge for messages should be subject to the approval of the Governor in Council, as provided for in the case of the Bell Telephone Company.

Hon. Mr. CLEMOW—I think in all other Bills the distance is unlimited, whereas in this Bill the company is limited to the distance of 15 miles. The other Bills of the company apply to rates.

Hon. Mr. POWER—To freight rates and not to telephone rates.

Hon. Mr. SCOTT—It is granting privileges to this company that were not granted to the Bell Telephone Company the other day. The Bell Telephone Company had a restrictive clause and this Bill has not.

The motion was agreed to, and the Bill was read the third time and passed.

MANITOBA AND NORTH-WEST RAILWAY COMPANY'S BILL

MOTION.

Hon. Mr. GIRARD moved the suspension of the 51st rule in so far as it relates to the petition of the Manitoba and North-West Railway Company of Canada, praying for the passing of an Act to extend the time for the completion of certain parts of their railway, as recommended in the Nineteenth Report of the Select Committee on Standing Orders and Private Bills.

Hon. Mr. POWER—I do not propose to discuss the advisability of adopting this resolution just now, but I rise for the purpose of reserving the right which the Committee on Railways ought to have in a case of this sort, to take into consideration any delay which has occurred, and for which we have not had any sufficient explanation. When the Railway Committee come to deal with the Bill on its merits, this delay may be taken into consideration with other things.

The motion was agreed to.

THE CHIGNECTO MARINE TRANSPORT COMPANY'S BILL.

MOTION.

Hon. Mr. DICKEY moved that the 51st rule of this House be dispensed with in so far as the same relates to the petition of the Chignecto Marine Transport Company (Limited), praying for the passage of an Act authorizing them to issue first mortgage bonds as recommended in the Nineteenth Report of the Select Committee on Standing Orders and Private Bills.

Hon. Mr. ALMON—I trust the House will pause before granting this extension. It is a very serious matter. Notices of this kind ought certainly to be fully distributed, not only here but in the old country, where the former bonds were taken. Instead of that what do we find ? The notice has had two insertions in the *Canada Gazette*, and I understand has been advertised twice in an English paper. The notice in the *Gazette* is to the effect that an Act will be applied for at the present session for power to issue first preferential bonds to take priority over the existing mortgage bonds. Now, the greater part of those bonds—I fancy all of them—were issued in England, and the persons who advanced their money on them did so on the credit of the annuity, which has been advanced by this Parliament, of $175,000 for twenty or thirty years. Now, is it fair that we should pass this Bill giving new bonds priority over those already issued ? The present bondholders advanced their money on the annuity granted by this House, and we are now doing away with the only chance they will ever have of getting the money back by putting other bonds before them. It may be all right, but should not these parties have given proper notice of what they want ? Will the bald notice of two insertions in the *Gazette*, that nobody sees, and two insertions in an English paper, which we do not know that any of the persons interested ever see, be considered sufficient ? I think if we grant this we had better do away with the rule which requires that notice to be given.

Hon. Mr. KAULBACH—It seems to me that there is nothing unusual in this petition. We often take the action now proposed where notice is insufficient. Generally the persons interested in such Bills live in England, and I do not consider that this Bill is an exception to the general rule. My hon. friend may find that many persons who had the first lien on the enterprise are the parties who are interested in these preferential bonds.

Hon. Mr. ALMON—Have you any proof of this ?

Hon. Mr. KAULBACH—I have the assurance of the hon. gentleman who has this Bill in charge that several of the persons who are interested in this Bill and intend to invest their money in the preferential bonds are parties who hold original stock. The House in a matter of this kind will surely not deprive these gentlemen, on a technicality, of getting what they desire. There has been a very large amount of money invested in this enterprise—three-quarters of what is required to finish it—and I think it would be unfair to those who invested their capital in the enterprise to refuse them legislation which will enable them to get some return. It is for their protection that this preference is given. If they don't get this additional capital in the way that they propose to get it, the enterprise will fail, and all those who have invested in it will lose. In the interest of the capitalists who have already invested in the enterprise, the recommendation of the

committee should be concurred in by the House.

Hon. Mr. McCALLUM—It seems to me that it is not a question of loss or gain to the bondholders; it is a question whether they have given the proper notice. If they have not done so, I think the people in England should have due notice, according to law, before this Bill is allowed to pass.

Hon. Mr. DICKEY—I do not propose to be drawn into a discussion of the facts as contained in the Bill, because it will be quite time enough to discuss them when we have the Bill before us. If the hon. gentleman from Halifax had been a member of the committee, and had looked at the petition and examined into the facts therein contained, he would have found the reasons why the company were unable to give this notice any longer than they did, which reasons, I may say, satisfied a large majority of the committee; and it may be some comfort to my hon. friend to know that when the Bill comes up before us he will find that it is not a Bill to sacrifice the interests of any of the bondholders at all; it is a Bill to enable the present bondholders to get something afterwards. Preference bonds have been offered to these people. Some will take them and others will refuse them. It is entirely a question for the present bondholders who hold these three millions of bonds. The new bonds will first be offered to them. If they do not take the other million and a half required to finish the road, other parties will be asked, with the consent of the present bondholders, to take them. I will be prepared to discuss the question on its merits before the House or before the committee when the Bill comes up.

Hon. Mr. POWER—I do not think that my hon. colleague from Halifax deserves the reproach which has been administered to him by the hon. gentleman from Amherst. He must remember that this company comes to the Senate asking to have the rule of the House suspended in their favour. As my hon. colleague from Halifax has stated, this was a case where notice was peculiarly necessary. The Bill undertakes to deal with the security held by the present bondholders and if ever there was a case where notice was desirable I think this is one. The hon. gentleman from Amherst says that we should at present consider nothing but the report of the committee, but, as I understand, the committee was divided and the division was a rather close one in connection with the question whether this report should be made to the House or not; and when the report comes up to the House I think we should have the right to look at the merits of the case somewhat. In some cases it is apparent that no wrong or injustice can be done anyone by dispensing with the notice, and in other cases there may be wrong done, and this is one of the cases where possibly a wrong may be done, therefore it is the duty of the hon. gentleman who asks for the suspension of this rule to show to the House in a satisfactory way that no wrong can be done by suspending the rule. The explanation of my hon. friend from Amherst does not, to my mind, show that. He says, as a justification for what he expects to be done, that the new bonds will be offered to the holders of the present bonds and if they accept, well and good. They are secured. They have the security of the new bonds. If they do not take them then their existing security is superseded by the bonds that are to be issued under this Bill.

Hon. Mr. DICKEY—I beg the hon. gentleman's pardon. He must have misunderstood me. What I said was that they had the option of taking these if they liked and if they did not take them these bonds were to be open to any other person to take them, but that arrangement could not be had without the consent of the existing bondholders. Those who hold the three million or three-fourths of the three million of existing bonds have the full control, and their consent is required.

Hon. Mr. POWER—When the hon. gentleman says the Bill requires the consent of three-fourths of the bondholders does he mean three-fourths in number or in value?

Hon. Mr. ALMON—The first division that took place on this question in the committee was on a motion of mine that the consideration of the Bill be deferred to a future day. The vote was a tie. The chairman voted against my motion.

Hon. Mr. HOWLAN—I think the remarks of the hon. gentleman from Halifax are somewhat misleading. There was a very large

majority of the committee in favour of the suspension of the rule, and we only follow, in this instance, the rule that was followed by the House of Commons when they had this Bill under consideration. Where is the harm ? What portion of the bondholders are going to be hurt ? The majority of the bondholders are able to make any alteration that they require, and what is the alteration required in this case ? Three millions of dollars have been spent. Four millions are required to finish the work, and the company can get no money from Canada until it is completed. We have not paid them a dollar. You cannot put your hand on any appropriation that has been made by Parliament, yet, after spending three millions of dollars on this work, you want to rob the company of the power to finish it. It is an outrage to say that after spending three millions of dollars in this work, when three-fourths of the bondholders ask for power to issue preferential bonds for another million to make all the bonds of the stockholders valuable, we are to withhold our assent to a condition of this kind when the schemes has been fully discussed in both Houses. Hon. gentlemen cannot point out in the most remote way where the stockholders will be interfered with.

Hon. Mr. POWER — The hon. gentleman wants to know who will be hurt by the passage of this Bill. I think the people of Canada will be considerably hurt. The object of this Bill is to put this company in a position to claim from Canada, for twenty years, the sum of $170,000 a year, and the people of Canada should be hurt, for the undertaking is one that no private company would think of going on with without a subsidy.

Hon. Mr. HOWLAN—The hon. gentleman would ask Parliament to dishonour the Acts of the previous Parliament. That is just the amount of it. Whether the project is wrong or whether it is right is a question that is not now open for discussion. This we do know, that by the action of this Parliament we appropriate a certain sum of money to be paid to the company after the completion of this work. Not a dollar of it has been paid yet, and after three millions of dollars have been spent towards the completion of the project the hon. gentleman wants at the eleventh hour a discussion on the question as to its advisability. It is not worthy of the hon. gentleman.

Hon. Mr. KAULBACH—Last session when the matter came up before, the hon. gentleman from Halifax said it would not be honest, fair or just at this stage to take advantage of this company, which has invested so much money in this enterprise—that it would be dishonourable towards the company who had invested their money in good faith.

The motion was agreed to, and the report was adopted.

CIVIL SERVICE COMMISSIONERS' REPORT.

ENQUIRY.

Hon. Mr. MACINNES (Burlington) — I would like to ask the First Minister, for the information of the House, when the report of the Civil Service Commissioners will be laid before the Senate. I see that a synopsis of it has already appeared in the newspapers.

Hon. Mr. ABBOTT—Directions were given yesterday for the preparation of the report for the two Houses, and I expected that it would have been laid on the Table to-day, but it will be submitted to-morrow.

LAND IN THE TERRITORIES BILL.

SECOND READING POSTPONED.

The Order of the Day being called, Second reading of Bill (M) "An Act to consolidate and amend the Acts respecting Land in the Territories."

Hon. Mr. ABBOTT said : This Bill is one covering a very large field, and is a very important measure, though it is practically only a consolidation of the existing laws. It has been suggested to me by some hon. gentlemen interested in the Territories that it would be better to give time for the consideration of this Bill and, as there is no pressing necessity for it, it would be better to let it stand over until next session. I am disposed to consider that suggestion favourably, and although I shall not decide upon it to-day, I move that the Order of the Day be discharged, and that the Bill be allowed to stand over until Monday next.

Hon. Mr. POWER—If we are going to be here, as seems probable, until some time in the autumn, we may as well get through it.

The motion was agreed to.

THE LIBRARY OF PARLIAMENT.

MOTION.

Hon. Mr. ALLAN moved the adoption of the First Report of the Joint Committee of both Houses on the Library of Parliament. He said: This report is a very short one, and the only part of it to which I propose to call the attention of the House is contained in the last paragraph recommending that "in recognition of the eminent literary acquirements of Mr. W. W. Campbell he should be transferred from the Department of Railways and Canals to the Library of Parliament, where his special ability and knowledge can be utilized in the public interest, and an adequate remuneration for his services may be provided." I may say briefly that this Mr. Campbell referred to is a gentleman well known to a great many members of both Houses, and in Canada, as a man of very considerable literary acquirements. Some of his writings have attracted a great deal of attention, and are considered by those who are judges in such matters to possess very great merit. The rewards of literary merit in this country are very small indeed, and it often happens that a man, while distinguished in that particular way, may after all find it very difficult indeed to receive sufficient remuneration from his work to enable him to live. Mr. Campbell is at present a clerk in the Department of Railways and Canals at a very small salary, and many members of the Library Committee thought it would be nothing more than securing a due appreciation of literary merit, and encouraging those engaged in literary pursuits, if Mr. Campbell should be transferred from the Department of Railways and Canals to the Library. I may say that this resolution was adopted unanimously at the meeting of the Library Committee, and was supported very heartily by gentlemen of both sides of politics. The leader of the Opposition, as well as the gentleman who moved this resolution, was very earnest in supporting the recommendation. I did not myself understand, when I seconded the motion, that the Government was asked specially to provide a place for Mr. Campbell in the Library of Parliament, but that if a vacancy should occur, his case should be taken into consideration, and he should be transferred from his present position, where, as I have already explained, he is receiving a very small salary, to the Library, where his special ability and knowledge can be utilized in the public interest to a greater extent than where he is now placed. Those are the motives which influenced the members of the Library Committee. As a general rule, the reports of the Library of Parliament have gone through *pari passu* in the two Houses of Parliament, and when there has been any money involved, the rule has been to wait in the Senate until the report has been adopted in the House of Commons. In this case no grant of money is asked for; it is simply the unanimous recommendation of the committee that if an opportunity occurs to transfer Mr. Campbell to a more congenial department, where his special talents might in many ways be made more useful to the public interests, the Government would consider that favourably, and it is with this view that I have moved the adoption of the report.

Hon. Mr. HOWLAN—I should like to ask for some information about the previous paragraph of the report, with reference to the taking out of the books by members.

Hon. Mr. ALLAN—The only explanation I can give is that it states a matter of fact. There has been discussion from time to time about the rules under which members get books from the library, and it was for that purpose a sub-committee was appointed. That sub-committee has not reported yet.

Hon. Mr. BELLEROSE—Would it not be better to add to the paragraph of the report relating to Mr. Campbell that he be transferred in case a vacancy occurs? That would make it seem in accord with the explanation that the hon. gentleman has given.

Hon. Mr. KAULBACH—That is just what I was about to call the attention of the House to. The language of the report seems to be rather imperative—"he should be transferred, &c." There might not be a vacancy there, and I think the report should not be as positive as it is. It does not say that he shall be transferred if any vacancy occurs, or if it should be to the advantage of the library that he should be transferred.

Hon. Mr. ABBOTT—My hon. friend in stating that this recommendation does not deal with any money grant was hardly accurate, because, as I understand it, the report expressly deals with a money grant. In

point of fact, it seems to me that it is a recommendation that increased remuneration be given to this literary gentleman. The report recommends that "adequate remuneration for his services may be provided." There are some strong reasons against the adoption of the report on principle. We cannot inaugurate a system of pensioning gentlemen who are supposed to possess some particular literary ability. I understand Mr. Campbell is spoken of as a poet, and I believe he has written some very interesting minor poems. I cannot say that I have ever read any of them myself, but I have heard them very highly spoken of by gentlemen who are adequate judges of this class of literature. But suppose he were Tennyson, the poet laureate himself, I do not see that we have as yet adopted any rule or principle that would justify us in giving him a pension, for it amounts to that. However, I do not propose to argue the question just now, but simply to say that in the form in which this report has been submitted, I think it will be impossible for the Government to accept it, and that the proposal to put this gentleman in a place in the Library, and to make an adequate remuneration for his services, will be resisted by those who hold the purse strings. I would suggest to my hon. friend that it would be well to adopt the same rule in regard to this report that is usually followed in dealing with the reports of the Library Committee—that we act concurrently with the other House, and wait until they take the matter up. I would ask the hon. gentleman to postpone it with that view.

Hon. Mr. ALLAN—I have no objection to a postponement, so far as that is concerned. Other members of the committee are here who were present at the meeting, and they can corroborate my statement. When I agreed to second the resolution in the committee I certainly did so with a full understanding that it was not to the effect that a position should be made for Mr. Campbell, and I confess that I was rather surprised when I saw the resolution as it was drawn up by the Clerk. The intention was to recommend, not that a vacancy be made for Mr. Campbell, but that if a vacancy should occur he should be transferred from the Department of Railways and Canals to the Library, and that he should receive an adequate remuneration. In the Department of Railways and Canals I think he gets a salary of $200 a year, or something of that kind, but in the Library he could have his abilities and talents better utilized and possibly receive more adequate remuneration for his services. That is the way I expressed myself at the time when the hon. gentleman who moved the resolution requested me to second it—not that we were to make a place for Mr. Campbell, but in the event of a vacancy occurring in the Library his case should be favourably considered by the Government. I have no objection to comply with the suggestion of the leader of he House, and I therefore move that the Order of the Day be discharged and the report be taken into consideration on Friday week.

Hon. Mr. ABBOTT—I may just say, with respect to the design of the motion, that I was waited on the same day by several members of the committee who urged—I may say insisted—that Mr. Campbell should be placed in the Library at once and provision made for him to the extent of $1,000 a year.

Hon. Mr. ALLAN—I never heard of that before.

Hon. Mr. POWER—I am very glad that the Premier has had the strength of mind to resist this recommendation. I am a member of the Library Committee myself, but I did not happen to be present at the meeting when this report was adopted. I may add that if I had been at the meeting, the adoption of this recommendation would not have been unanimous. I quite agree with the statement made by the Premier that if Mr. Campbell were a poet equal to the poet aureate himself, this is, perhaps, not the best way to deal with him. He may be an admirable poet and yet he might make a very inferior clerk in the Library. It must be borne in mind that his being put in the Library now at a salary of $1,000 a year would interfere with the promotion of other clerks who are there already, and who possibly, as clerks, are quite as competent or useful, and possibly more so, than Mr. Campbell. If it had been proposed to give Mr. Campbell a pension without exacting any duties from him, I should be more disposed to support the proposition than to support the recommendation made by the committee.

Hon. Mr. ALMON—I certainly agree with everything that has fallen from the senior

member from Halifax. If the hon. gentleman who moved the resolution wished to have Mr. Campbell promoted, he should have recited some of his poetry and then the House would have been in a position to judge as to his fitness for promotion. If he is what is claimed for him, we might in that case make him poet laureate of Canada and present him with a butt of wine, as is done in our mother country, though the hon. member from Sarnia might object to that. I quite agree with my colleague when he says that it does not follow that because a man is a poet that he must necessarily make a good clerk in a library. That is one of the most absurd suggestions imaginable.

Hon. Mr. MILLER—When Parliament was convened last year a poem from this gentleman appeared which attracted some attention. I liked it very much and was induced to get the book. I took it with me in the car travelling home and read it on the way.

Hon. Mr. ALMON—May I ask was it in the sleeping car ?

Hon. Mr. MILLER—Yes, but this was in the day time. I happened to have for a fellow passenger a gentleman who got into conversation with another passenger near me, and their subject was poetry. Each had a stock of the other's poetry and they criticised it and their conversation was very interesting to me. Under the circumstances, I made bold to offer this book to one of these gentlemen and ask his opinion of it. He looked through it and read it, and told me that he did not think much of it at all, so that is the estimation that this fellow-poet formed of the book. However, it was not the opinion that I formed of it. I may say that I was not on the committee when this report was adopted, or I certainly should not have agreed to it. I do not think that the principle contained in the resolution is a sound one to adopt. As the hon. gentleman from Halifax (Mr. Power) has said, a gentleman may be a very good poet and still turn out to be a very poor clerk. I do not think that the consideration for making the change recommended here is one which should be entertained by the House, and I shall oppose the report when it comes up.

Hon. Mr. MacINNES (Burlington)—I was present at the meeting of the committee when this subject was under discussion, and I have very great pleasure in confirming everything that has been stated by the hon. gentleman from Toronto with reference to what took place on that occasion. Members of both Houses on both sides of politics were present at the meeting, and all who spoke on the subject spoke most favourably of this Mr. Campbell. I did not know anything about him at all myself, but the gentlemen who spoke seemed to be very familiar with his works and with the individual himself, and no one could be more highly spoken of than he was. Under the circumstances, the resolution was adopted unanimously, as the hon. gentleman has stated. My hon. friend from Prince Edward Island (Mr. Howlan) wishes to get information with respect to the other paragraph of the report. Will the chairman of the committee have the kindness to make the explanation that is called for with reference to that ?

Hon. Mr. ALLAN—In the first place, I am not chairman of the committee. In the second place, I have no further explanation to give. That sentence in the report speaks for itself. It says that a sub-committee was appointed to consider an amendment to the rules governing the taking out of books by members. That is a simple statement of fact, to which I have nothing to add, and it would be useless for me to give any further explanation of a matter which has not been considered, and which was referred to a committee of three, and that committee have not reported. I am not aware even that they have met yet. I have done my duty in bringing forward the report of the Library Committee ; I could not do otherwise, and I am perfectly prepared to carry out the suggestion of the Premier to defer the consideration of the report until next week. At the same time I might say in reply to the observations of the hon. gentleman from Halifax that it is quite possible to conceive that a man may be a poet and yet have common sense and literary ability. It is not so difficult for most people to apprehend that if a man is possessed of literary abilities he may be a very useful man in such a department as the Library. We want men there who know something about books, and his knowledge in that respect may be of considerable advantage. It is useless to discuss that further at present. I therefore move that the Order of the Day be discharged, and that

the report be taken into consideration on Friday next.

Hon. Mr. HOWLAN—I quite understand that the sub-committee must report, but the report before us speaks of an amendment which must have been discussed before the committee, and of which the hon. gentleman must be cognizant.

Hon. Mr. ALLAN—I am sorry my hon. friend will not take my statement.

Hon. Mr. HOWLAN—A sub-committee was appointed to consider an amendment about taking out books by members. I am simply asking some information respecting the amendment.

Hon. Mr. ALLAN—There was no amendment moved whatever. There was some discussion as to the general rule under which members should obtain books, and it was considered advisable that the rules should be strengthened or amended in some way which would be an instruction to the Librarian how he should issue books to members.

Hon. Mr. BOTSFORD—I have not the pleasure of the acquaintance of Mr. Campbell and, therefore, I depended on the observations made by other members of the committee. I may say that I never heard a gentleman more highly praised for his literary attainments than this gentleman was. Some hon. gentlemen went so far as to say that it would be a great pity, indeed, that Canada should lose a gentleman of so much merit, which it probably would, unless the country afforded him an opportunity of making a living. With respect to the amendments spoken of by the hon. gentleman from Alberton, the subject was brought up in the committee, and the hon. gentleman from British Columbia who brought it up before the Senate had an opportunity to explain; the result was that it was referred to a committee, of whom, I think, the hon. Speaker was one. He presided as chairman of the Library Committee, and he was one of the committee to report, and that report has not been made; therefore, it cannot be taken into consideration. There was not a single dissentient voice with regard to the appointment of Mr. Campbell, and various ways were proposed by which his services should be retained in the Dominion. I think it is very proper to postpone the consideration of this report for a few days until it has passed the other House.

The motion was agreed to, and the Order of the Day was discharged.

THE BENNETT RELIEF BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second eading of Bill (J) "An Act for the relief of Robert Bennett."

Hon. Mr. SCOTT—I would suggest, as a petition has been presented against this Bill, that the committee should name a day for hearing the evidence, sufficiently distant to allow the respondent to be present.

Hon. Mr. CLEMOW—I suppose the committee will not sit until the respondent has an opportunity of being present to give evidence.

Hon. Mr. KAULBACH—If the hon. gentleman is promoter of this Bill, and desires that the respondent should be heard before the committee, the committee would be inclined to grant the delay; but I was under the impression that the petitioner for this Bill was to attend to-morrow with his witnesses before the committee.

Hon. Mr. CLEMOW—At the time that was decided on I was not aware that this petition was to be presented from the respondent. I think that under the circumstances sufficient time should be given to allow her to be heard.

The motion was agreed to, and the Bill was read the second time.

SECOND READING.

Bill (F) "An Act for the relief of James Wright." (Mr. Clemow.)

PATENT ACT AMENDMENT BILL

SECOND READING.

Hon. Mr. ABBOTT moved the second reading of Bill (L) "An Act to amend the Patent Act and Acts amending the same." He said: This is a Bill to amend the existing patent law in several particulars in which it is found to be inconvenient and cumbersome and, in some respects, injuriously affects the rights of inventors in foreign countries who have taken out patents. The first clause is a provision that an inventor who is a citizen of Canada, and who elects to obtain a patent for his in-

vention in a foreign country before obtaining a patent for the same invention in Canada, shall have the right to obtain a patent in Canada if it be applied for within one year from the date of the issue of the first foreign patent for such invention; and if within three months after the date of the issue of a foreign patent the inventor gives notice to the Commissioner of his intention to apply for a patent in Canada for such invention, then no other person having commenced to manufacture the same device in Canada during such period of one year shall be entitled to continue the manufacture of the same after the inventor has obtained a patent therefor in Canada without the consent or allowance of the inventor. The second clause repeals a section of the former Patent Act, which provided that affidavit should be made before a Justice of the Peace, and restricted him to that functionary. This extends the right to make the affidavit before other persons who are competent to administer an oath. The next section makes a somewhat important provision with regard to models of inventions. Hitherto models have always been required unless they were dispensed with by special order. That system has been abandoned altogether in the United States, and we propose to make provision that a model shall be furnished only when asked for by the department, for it is very expensive preparing models, and, in many cases, utterly unnecessary in getting a patent. The only other important provision in the Bill is that which extends the life of a patent to eighteen years instead of fifteen years, and it is for the reason that many foreign patents issue for seventeen years, and it gives the inventor in a foreign country some time in which to take out his patent in this country—gives him an additional year for that purpose. The details of the Bill will all come under consideration separately when the Bill is before the Committee of the Whole.

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

Bill (42) "An Act to revive and amend the Act incorporating the Brockville and New York Bridge Company." (Mr. Clemow.)

Bill (72) "An Act to incorporate the Winnipeg and Atlantic Railway Company." (Mr. Lougheed.)

Bill (60) "An Act respecting the Great Northern Railway Company." (Mr. Read, Quinte.)

Bill (75) "An Act to confer on the Commissioner of Patents certain powers for the relief of Carl Auer Von Welsbach and others." (Mr. Dickey.)

Bill (80) "An Act respecting the Manitoba and North-Western Railway Company of Canada." (Mr. Girard.)

The Senate adjourned at 5.55 p.m.

THE SENATE.

Ottawa, Thursday, May 19th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ALBERTA RAILWAY AND COAL COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (39) "An Act respecting the Alberta Railway and Coal Company," with certain amendments. He said: This Bill, as it was introduced, was open to the objection that was so manifest in a similar Bill that we had before us at our last sitting. It was a Bill in terms only applying to this company as a railway and coal company, but the company ask also for power to make irrigation canals and ditches and so on, and in doing that they ask power to construct these works through the whole district of Alberta. The area covered by the proposed extension of the line is about south of latitude 50, and this amendment is made to confine the irrigation works of the company to the south of this parallel, giving them the right to operate over a few hundred miles of country close to their works in Alberta where they require it. The amendment is made in order to make our legislation conformable, on that subject, to what we did yesterday. As there is no objection to the amendment I think it should be at once concurred in.

The report was agreed to, and the amendments were concurred in.

Hon. Mr. OGILVIE moved the third reading of the Bill as amended.

The motion was agreed to, and the Bill was read the third time and passed.

MANITOBA AND ASSINIBOIA GRAND JUNCTION RAILWAY CO.'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (K) "An Act to amend an Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company," with an amendment. He said: These amending words are added to clause 2 of the Bill, which is the clause that gives the company new power to issue debenture stock to the amount of $10,000 per mile of the railway and its branches, under which authority they could at once, without doing any work, issue all this debenture stock and put it in the market before there was a mile of railway constructed. This is contrary to the usual practice in these cases, and these amending words that are added explain the necessity for the amendment. It is the usual provision, and in that way at once authorizes the company to issue these debentures as the company require them, and as the necessity of the work demands.

The report was agreed to, and the amendment was concurred in.

Hon. Mr. BOULTON moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

WINNIPEG AND ATLANTIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (72) "An Act to incorporate the Winnipeg and Atlantic Railway Company."

Hon. Mr. POWER—This Winnipeg and Atlantic Railway would appear, if one may judge from the title of the Bill, to be intended as a competitor with existing lines, and I think the hon. gentleman should have explained to the House why this Bill was necessary.

Hon. Mr. LOUGHEED—As my hon. friend from Halifax has always been an opponent of monopoly, I presume he will not oppose a Bill of this kind going through. I see the Bill calls for a charter for a railway from Winnipeg to the Atlantic coast. I have moved the second reading of the Bill in the absence of the hon. gentleman from Hamilton, and I shall undertake to give a full explanation of the Bill when it goes to committee.

The motion was agreed to, and the Bill was read the second time.

GREAT NORTHERN RAILWAY COMPANY'S BILL.

Hon. Mr. READ moved the second reading of Bill (60) "An Act respecting the Great Northern Railway Company." He said: This is a Bill to build a railway from the Lake St. John Railway, in Quebec, through to the Ottawa River, and for a bridge across the Ottawa River.

The motion was agreed to, and the Bill was read the second time.

WELSBACH RELIEF BILL.

SECOND READING.

Hon. Mr. DICKEY moved the second reading of Bill (75) "An Act to confer on the Commissioner of Patents certain powers for the relief of Carl Auer Von Welsbach." He said: This is a Bill asking for leave to be allowed to pay the necessary fees to obtain an extension of a patent under peculiar circumstances, which are set forth in the preamble, and which have already been proved to the satisfaction of the committee in the House of Commons, where the Bill has been for several weeks, and will be proved again before the committee of the Senate to which this Bill may be referred after the second reading. Two persons, one named Welsbach, in Vienna, Austria, and another by the name of Williams, in England, each had a patent from the office here, one dated the 2nd March, 1886, and the other the 7th March, 1886, relating to a very great improvement in incandescent gas lighting. One patent related more particularly to an improvement in the light, the other to the metals and substances to be used in connection with that improvement. Finally they were amalgamated together and the right to these patents in the Provinces of Quebec, Nova Scotia, New Brunswick and Prince Edward Island was transferred to a company in Halifax, which was created under the name of the Welsbach Incandescent Gas Light Company of Halifax. This was in 1889, three years after the patent was granted. The company took possession of the rights and made very costly experiments in trying to carry out these inventions. They have been engaged

in that work ever since and have expended something like $40,000 in the course of these experiments. The patents had been taken out for a term of fifteen years from 1886, and the usual payments were only made in the first instance in the ordinary way for a term of five years, which the House will perceive has expired, and it is in reference to that expiry that this application is made. The original letters patent remain with these people in Europe, but they made their assignments to the company here. The people in Europe, one being a foreigner, and the other living in England, and only knowing what the English patent law was, did not know that it was necessary to renew the payment at the end of five years so as to get the benefit of the fifteen years, and they inadvertently omitted that. The people in Halifax did not make the payments because they did not know what was in the original patent which was in Europe. In the meantime, all these enormous expenditures were going on. So the matter stood until the month of April last, six or seven weeks ago, when they, for the first time, heard of this, and sought to have their rights respected by making an application, which has now become a very common one in this House—to get a Bill for the purpose of enabling the Commissioner of Patents to accept their money and give them the extension they ask for, taking care to guard the rights of the public. This is the legislation that is asked for. On looking over the list, I see that there have been seven cases of the kind since Confederation, and in all I have not heard of any instance in which injustice was done to the public, because we always take care in such legislation, while respecting the honest rights and claims of the parties who have applied for the legislation, that the public or persons who have acquired any intermediate right during their neglect shall be protected. Now, is that done in this Bill? It is. The clauses are only two, one giving the same right that other parties have been allowed, to pay their money and get the extension, and the other provides for the rights of third parties, as follows:—

"Any person who has, within the period between the second day of March, one thousand eight hundred and ninety-one, in respect of the patent first above mentioned, or the seventh day of March, one thousand eight hundred and ninety-two, in respect of the patent last above mentioned, and the date of the extensions or renewals hereunder of the said letters patent respectively, acquired by assignment, user, manufacture or otherwise, any interest or right in respect of such improvements or inventions, shall continue to enjoy such interest or right as if this Act had not been passed."

Hon. gentlemen will perceive that the rights of the public are fully protected. There has been no opposition to this Bill, and I apprehend there will not be any, and there can be no objection to its second reading.

Hon. Mr. KAULBACH—I do not intend to oppose my hon. friend's Bill, but when he says the rights of the public are fully protected under it he is not correct. By this Bill the rights of the public are taken from them. At present the public have the right to use this invention, the patent for which has lapsed. It has become public property. Of course my hon. friend is right in saying that by this Bill all those who have invested their capital, in manufacturing or otherwise, in this article will be protected, and will still continue their right to use it, but the public are certainly deprived of their right. We have done as my hon. friend says in other instances—intervened, when a patent has lapsed, and allowed it to get back into the hands of the patentee, subject to the rights of any person who has undertaken to manufacture or produce it; therefore, in that respect my hon. friend is perfectly right in asking for this Bill. At the same time I wish to impress the House with the fact that we are taking away from the public a right which they have acquired.

Hon. Mr. DICKEY—I did not make my statement as full as I wished to do for the convenience of the House; but I may add that it has been proved that there has been no user of this invention by any person except by those people who ask for this legislation. They expended some $40,000 in making experiments with the invention, and this money will be all lost to them unless this extension is granted.

Hon. Mr. MILLER—What committee does the hon. gentleman intend to refer the Bill to?

Hon. Mr. DICKEY—To the Private Bills Committee, which sits to-morrow morning. As far as I am aware, there is no opposition to this extension, and there are abundant pre-

cedents for passing this legislation by putting in a clause to protect the interests of those who have acquired rights by user or otherwise.

Hon. Mr. KAULBACH—I simply made the remark I did in reply to my hon. friend when he said that the rights of the public were fully guarded and protected under this Bill. I say the Bill is depriving the public of the right that they have now to use and manufacture this article.

Hon. Mr. MILLER—In passing the second reading of a private Bill we are doing something very different from what we do in passing the second reading of a public Bill. My hon. friend says he intends to refer this Bill to the Private Bills Committee, where there will be ample opportunity for discussing the facts, and I dare say my hon. friend will be able to satisfy the hon. gentleman from Lunenburg that his statement of facts is correct.

The motion was agreed to, and the Bill was read the second time.

MANITOBA AND NORTH-WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (80) "An Act respecting the Manitoba and North-Western Railway Company of Canada." He said: The company that ask for this Bill are a very deserving company. They have done a great deal towards the colonization of Manitoba and the North-West. They are obliged by their charter to build twenty miles of their road per year. During the present year they have constructed a portion of the twenty miles, but for some good reason they cannot complete the section which their charter obliges them to construct, and that is why this Bill, asking for an extension of the time, is before the House.

Hon. Mr. BOULTON—I would ask my hon. friend from St. Boniface to allow this Bill to remain over until after the adjournment. The question is mixed up with a motion that I have upon the Paper, concerning the question of land grants to railways in the North-West, and for that reason I would like to have an opportunity of discussing the question before this Bill goes through. The Manitoba and North-Western Railway Company have got a land grant, and if that grant is not sufficient to enable them to build 20 miles a year, I think, in the interest of the country through which the line is to run, we should find some means of changing the aid to the railway so that the company can complete their 20 miles this year. When we give a grant to a railway company it is to enable them to shove their road ahead vigourously. I do not wish to interfere with the company in any degree or to injure their charter. I simply ask for delay until the whole question of land grants to railways can be discussed, and the views of one who lives in the heart of the district affected are in possession of this House.

Hon. Mr. GIRARD—I hope my hon. friend will not insist on delaying the second reading of the Bill. The company do not ask for any new rights or privileges; they simply want to keep what they have under the law. It is because they fear to endanger their rights that they ask for this legislation. I think it would be better, therefore, to let the company know at once what we have decided to do and pass the Bill as soon as possible. It is the first time the company have come before the House to ask for an extension. I think they deserve consideration, as no company has done more for colonization in Manitoba and the North-West than the company who own this charter.

Hon. Mr. PERLEY—I have been approached with respect to this Bill. The Manitoba and North-Western Railway Company have a charter to build a line to Prince Albert. They have built some 200 miles of their road, and their charter will lapse, I think, in December next, unless it is renewed. The object of the Bill is to renew this charter. I have had letters from people in that section of the country on the subject. Most of them are the Dakota settlers, that you have heard so much about, who have located some 60 miles beyond the end of the track with the expectation that the railway would be pushed forward at the rate of 20 miles a year. The company, I understand, say that they are not able to build the 20 miles this year. These people left their homes in Dakota, and in various parts of Canada, on the understanding before them on the Statute-books of the country that 20 miles of this road would be built each year. I know that a man's existence is not worth anything more than mere living who has to go 60 miles before he reaches a railway. He

is virtually losing his time. These men who have settled in that part of the country have very little means, and they are located 60 miles beyond a railway, and now the company ask not to be required to build 20 miles this year owing to some financial difficulty that they have met with. I have had a talk with Mr. Baker, and I know that the company are looking for money to build the 20 miles this year. If they do not get this Bill their charter will lapse before next session. Now, while I am as anxious as anyone can be to have the road built and the company forced to comply with the conditions of their charter, still I do not see how we are to gain anything by refusing to pass this Bill, because there is no other company that can go in and undertake to construct the line, unless the scheme proposed by the hon. gentleman from Shell River is adopted—that is to get the Government to take charge of the enterprise. Inasmuch as the land grant is in the hands of the Government, and they can control the company better than any other power, we had better let the Bill pass and trust to the Government doing what is best and the company going on and constructing the 20 miles. I do not see anything to be gained by adopting a different course.

Hon. Mr. KAULBACH—I understand that the hon. member from Shell River does not intend to oppose the Bill; he simply wants to make some remarks on the general policy of the Government with regard to land grants. Now, he has a motion on the Paper which will bring that subject fully before the House, and, as delay may prejudice the Bill, I think he should not ask to have the second reading postponed on this occasion. We know that many railway companies have not complied fully with the requirements of their charters to build their lines within a certain time, and the request made by this company is not unusual. I think the House should allow the Bill to be read the second time now.

Hon. Mr. OGILVIE—This railway company deserves a great deal of consideration. It has done a great and good work for the North-West, and is not very seriously to blame for its failure to complete the road as rapidly as was at first intended. Some of the wisest men have got into financial troubles before now, and I know that the company has been making great exertions to build its road this year. Even if the Bill is passed, the company will build the twenty miles this year if they are in a position to do so. It is in the company's interest to build the road as rapidly as possible, and it would do no good, but a great deal of harm, to reject the Bill.

Hon. Mr. ABBOTT—This Bill really is one of very considerable importance, in view of the facts which my hon. friend from Alberta has just stated to the House, that a large number of immigrants have gone into that country beyond the present terminus of this road with a more or less direct and positive representation that the road would be proceeded with at the rate indicated by the statute. It is certainly very hard on these people to stop the construction of the line, and fears are entertained that if they are disappointed and find there is nothing to be done, they will either leave or, at all events, if they do not leave it will produce a bad effect on the population south of the line, from which most of these immigrants, I believe, have been taken. I do not intend to oppose the Bill; quite the contrary. I think it would be a mistake to stop the Bill, because I do not see any time at which we would then get the road at all. At present while this company has it the enterprise is in the hands of strong men, who are actually now endeavouring to obtain further financial assistance for the road, after having, I know, at a great cost to themselves, personally carried the line to its present terminus. I think it is a question whether we ought not to do something or other to give encouragement to these settlers and others who may be expected to go to that part of the country, and I would ask the gentlemen who compose the Railway Committee whether it might not make a good point in favour of this immigration and show our desire to do justice to these people if they were to say that in consideration of our abstaining from enforcing the twenty miles condition this year, they should be required to build forty miles next year. Forty miles is nothing to a railway company if they can get the necessary capital, and without it twenty miles is more than they can undertake. I think if they are granted this delay they should build forty miles next year. It has been represented to me, and I think with some force, that for this autumn coming the loss and inconvenience to these settlers will not be very great, because they have just settled there and will not have

much to export—they will need all they produce for their own consumption—but next year they should have a good deal to export, and it would be well to encourage them to expect some proper accommodation when that time arrives. I therefore would commend to the consideration of the members of the Railway Committee the advisability of requiring the company to build forty miles next year if they are not required to build any this year.

Hon. Mr. CLEMOW—I concur in the opinion that has been expressed by the Premier. It must be remembered that the company has received considerable concessions already. They were bound to build that road several years ago, and this concession of requiring them to build only twenty miles a year was considered a great advantage when it was granted. I know there are people in this city to-day who are desirous of settling in that Territory, and who are only waiting to know the fate of this Bill before deciding whether to go on or not. There is a family here from Ireland composed of 11 or 15 persons waiting in the city now, and if the company get this extension they will not settle in that locality, but will be obliged at great expense to seek some other place. The head of the family came out last year, and after travelling through the country circulated a very favourable report of it, and induced a large number of people to come out. If this Bill is passed he will be debarred from settling where he intended to go—somewhere on the Carrot River, I believe—and it will be the same with others who intended to settle alongside of him. Under the circumstances, the Premier has made a good suggestion—that is, if this concession is granted now, the company must build 40 miles of the road next year.

Hon. Mr. BOULTON—It is a mistake to suppose that I am opposing this Bill. I am not opposing it nor do I propose to offer any opposition, but what I do say is that great concessions have been made to this company. First of all, they got a land grant of 6,400 acres per mile, and were obliged by their charter to build at least 100 miles of their road each year until it was completed. They came back to Parliament and got that reduced to 50 miles a year, and after that a further concession was made, reducing it to 20 miles a year. Now they ask to be relieved from building any portion of the road at all this year. What I say now is, that it was the subject of the motion I proposed to discuss, but which I consented at the request of the hon. member from Assiniboia to postpone until after the adjournment—if I had had an opportunity of discussing the motion of which I have given notice I would have been able to present the matter in a different light to the members of this House with a view to devising a better system for pushing the construction of railways in that country, which is being so rapidly filled with immigrants, and preventing settlers from being disappointed by delays of this kind. It is not for the purpose of opposing the Bill or injuring the company that I ask for this postponement. It would not hurt the company to let the Bill stand for a few days. It is not as if the company were waiting to go to England to raise money, or anything of that kind.

Hon. Mr. GIRARD—I am sure the hon. gentleman's intention was not to injure the company in any way. At the same time, something should be done to assist a company that has done so much in the interests of the North-West. If this Bill is rejected the company will be placed in a very difficult position. No inconvenience can result from the second reading of the Bill to-day. It can then be referred to the Railway Committee, where it will be easier for every one to make any objection that he may have to the Bill and hear what its promoters have to say. No doubt some of the persons interested in the enterprise will be present at the meeting of the Railway Committee and prepared to answer any objections that may be raised. Those people cannot be heard in the Senate, and it is only fair to give them an opportunity to make their statements before the committee, and I have no doubt that when they are heard their explanations will be satisfactory to the House.

Hon. Mr. VIDAL—There is one very important point which I think has not attracted sufficient attention, and which should convince us of the unwisdom of postponing the second reading of this Bill. Nothing can be gained by the postponement, since my hon. friend does not propose to resist or amend the Bill. The only alteration that has been suggested has come from the Premier. It is a very important one and meets with the approval of the House and of those who have charge of

the Bill. The want of money is the principal difficulty, and it may make a great difference to those who are interested in the enterprise if we put off the second reading of the Bill for a fortnight. No sufficient reason has been given for a postponement ; my hon. friend will be able to give us all the information that he proposes to furnish when he brings up the subject on the motion of which he has given notice.

Hon. Mr. BOULTON—Out of deference to the wishes of the hon. gentleman from St. Boniface I am very happy to withdraw my objection to the second reading now ; at the same time, I reserve my right to raise the objection at the third reading.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 5 o'clock.

THE SENATE.

Ottawa, Friday, May 20th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (60) "An Act respecting the Great Northern Railway Company." (Mr. Read, Quinte.)

Bill (75) "An Act to confer on the Commissioner of Patents certain powers for the relief of Carl Auer Von Welsbach and others." (Mr. Dickey.)

AN ADJOURNMENT.

MOTION.

Hon. Mr. McDONALD (C.B.) moved—

That when the House adjourns on Friday, the 20th instant, it do stand adjourned until Monday, the 6th June proximo, at three o'clock in the afternoon.

He said : Judging from appearances I do not think it is possible that the Commons will be able to pass the Criminal Law Bill before the 6th June, and any other business before Parliament will occupy very little of our time when the House meets again after the adjournment.

Hon. Mr. CLEMOW—There is considerable diversity of opinion with respect to this adjournment. I believe that the majority of members think the proposed adjournment is too long. I therefore move in amendment that when the House adjourns to-day it do stand adjourned until Monday, the 30th inst., at 8 p.m. If my amendment is adopted we will lose only two working days.

Hon. Mr. McINNES (B.C.)—I beg to move in amendment to the amendment that when the House adjourns to-day it do stand adjourned until Wednesday, 1st June, at 8 p.m.

Hon. Mr. READ (Quinte)—While an adjournment to the 30th May would answer me very well I know that there are a number of hon. gentlemen who wish to visit their homes, and it would take them the whole of the adjournment travelling backwards and forwards. From appearances we must look forward to Parliament sitting a couple of months yet, and if the Premier can see his way to make the adjournment to the 1st June I believe it would be acceptable to the House.

Hon. Mr. BOULTON—No doubt many hon. gentlemen feel it a serious matter to have to spend four or five months away from their homes and business ; at the same time the Government should think seriously how these frequent adjournments will affect the business of the House. It is a mistake to suppose that because an adjournment is not extended up to a certain date that individual members are unable to remain at home for a longer period. Of course we do it by sacrificing our indemnity.

Hon. Mr. READ—We cannot remain at home while the House is sitting and attend to our public duties.

Hon. Mr. BOULTON—I hope the day will come when the Government will see the desirability of placing more of the work of the country in the hands of the Senate so that we may be more fully occupied than we have been of late.

Hon. Mr. GIRARD—If an adjournment must take place it must necessarily be with the consent of the gentlemen representing the Government here. We are like a little army, called by our sovereign to perform certain duties during the session, and we must be ready at all times when we are called upon to attend to business.

Hon. Mr. KAULBACH—We had the opinion of the leader of the House expressed yester-

day that it would not be in the public interest that we should adjourn beyond next Wednesday. Unless the leader of the House has changed his mind since then, I think we should adhere to his decision. There is no doubt there is plenty of work to be done in the committees and we can always find something to do here in the public interest.

Hon. Mr. DEVER—I do not care much about the adjournment one way or the other, but I think it is most unfair to place the responsibility for it on the shoulders of the Government. I think we should stand up to our position here as independent men, and if we want an adjournment we ought to carry it manfully and take the responsibilitiy of it ourselves.

Hon. Mr. POWER—In my earlier days in the Senate I was very anxious about the business of the House, and, as a rule, I voted against adjournments. I have learned wisdom with years, and I cannot recall now a single occasion when the public business has suffered by the adjournment of the Senate. The leader of the House is naturally anxious lest the adjournment of the Senate should interfere with the public business, but when he shall have been as long here as his predecessor was, he will have learned that the Senate never does want an adjournment longer than is consistent with the public interest. There is not the slightest probability that Parliament will prorogue before the 1st of July and the Senate can get through all the business that remains to be done when we return after the adjournment.

Hon. Mr. FLINT—I do not think the business of the country will suffer by the proposed adjournment. As to what the newspapers will say about us I care nothing. Our credit stands good with the better class of the people throughout the country. When we have anything to do the public know that we go to work and do it. I should like if the Government would give us more work to do —if they could see their way to divide the labour between the two Houses, giving us all the work and let the House of Commons do all the talk. They could have more time to devote to talk, and we could keep up the work, so as to give it to them as fast as they could handle it. I spoke to Sir John Macdonald two or three times during his lifetime on the subject. I think some plan could be devised to give this House a larger share of the work. There are very few private Bills or public Bills introduced here, and we have as a rule to wait for legislation from the Commons. There are some people who try to belittle the Senate, but it is because they know that the Senate is the safeguard of our country. Looking back as far as I know anything about it, since 1862, I have always found that when anything has gone wrong in the House of Commons the Senate has always protected the public interest. In view of the position of the public business I should like to see the adjournment to Wednesday, so as to accommodate members who live at a distance from the Capital.

Hon. Mr. ABBOTT—This question of adjournment comes up very often, and a good many speeches are made in support of it which might be called speeches for the abolition of the Senate. I regret that any hon. member should appear to feel so strong a desire to adjourn unless for some very special reason, indeed, when I think there is a possibility of the business of the country suffering by so long an adjournment. We are indebted to the hon. member from Halifax for the information he has given us as to the probable length of the session, because it depends very much on his friends how long it will continue, and he probably knows better than any of us how long it will last—certainly better than I do, and probably better than many of us. If my hon. friend is giving us what we may consider authentic information in stating that the House will continue sitting until the first of July I shall be very much inclined to vote for the motion of the hon. member from Cape Breton, because if the House is kept over until July it will be by discussions of a kind which we do not indulge in here, and which would not interest us very much, and which would not detain us very long ; but I have more hopes of my hon. friend's friends than that they will keep us here until the first of July. Although the Senate has not a great deal to do on ordinary occasions, for the simple reason that it does the business of the country, and does not do the talking of the country, still I think we ought to be here to do the public business. We ought not to absent ourselves from the post of duty without some sufficient reason ; if we do we will justify largely the statements which are made against our usefulness as one of the govern-

ing bodies of the country ; not only that, but I think we shall occasionally feel that we are not performing the duties we have undertaken as Senators, and which are imposed on us by the situation, when we absent ourselves, as we shall have been by the time this adjournment is over, for nearly half the session. If we are only going to remain here for half the session we ought to make a suggestion to the Government to pay us only half the indemnity. I could understand hon. gentlemen's anxiety for long adjournments if they at the same time consented to relinquish the fees which the country pays them for doing the duty of Senators. Unfortunately the desire for long adjournments seems to have increased. I think we shall have adjourned longer this session than in any session in my memory. It is a pity that we should go on session after session recording our opinions that our existence here is becoming less and less necessary, as I think we probably do, by constantly agreeing to these long adjournments. What I have said is in general with reference to these adjournments. I endeavoured yesterday to prevent this discussion being held in public. I think it would be to our advantage not to have these discussions in public—not to have the sentiments which we have heard to-day from some hon. gentlemen that the Senate has nothing to do, given expression to——

Hon. Mr. POWER—No one said so.

Hon. Mr. ABBBOTT—I regret it because I agree with my hon. friend from Belleville that the Senate is the bulwark of the country and that it is to the Senate the country will look some day to prevent a convulsion which would be ruinous to its credit. Therefore I do not like to see things done which are likely to depreciate the Senate in the opinion of the people, and certainly we can meet with no censure from the people if we are here to do the business that is to be done, although on occasions that business may not be very voluminous. These are general remarks to which I earnestly hope the members of the House will give their attention, and out of a desire for the preservation of this institution as a branch of our Legislature, that they will endeavour to prevent any step, whether it be an adjournment or any other step, that will tend to lower us in the opinion of the people. I have been investigating the condition of the business in the Commons, and I think what I said yesterday on that subject might be modified. I do not think it is probable that we shall have much additional business from the Commons next week, and I should be inclined to agree without further discussion to an adjournment over next week to such a date as would enable hon. gentlemen to get back here at an early period in the following week —say Tuesday, at 8 p.m.—and if the hon. gentleman from British Columbia will modify his motion in that sense I would be inclined to acquiesce in it.

Hon. Mr. McINNES (B.C.)—I am willing to modify my amendment in the direction suggested by the hon. leader of the House.

The amendment to the amendment as amended was agreed to.

SECOND READING

Bill (42) "An Act to revive and amend the Act to incorporate the Brockville and New York Bridge Company." (Mr. Clemow.)

The Senate adjourned at 4.15 p.m.

THE SENATE.

Ottawa, Tuesday, May 31st, 1892.

The SPEAKER took the Chair at 8 p.m.

Prayers and routine proceedings.

MANITOBA AND NORTH-WEST RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (80) "An Act respecting the Manitoba and North-Western Railway Company of Canada," without amendment.

Hon. Mr. GIRARD moved the second reading of the Bill.

Hon. Mr. CLEMOW—This is a Bill which was laid over at the suggestion of His Honour the Premier, who was to make some enquiries respecting it.

Hon. Sir JOHN ABBOTT—During the vacation I have given this Bill further consideration, and as we hold control of the delays through the land grant, if we find it neces-

sary when further application is made for the completion of that portion of the company's enterprise, we can make what rule, or lay down what restriction we please in respect to the time for the construction of this railway. We, therefore, do not propose to interfere with the Bill at this stage—especially as negotiations are proceeding in England which we would be sorry to disturb.

The motion was agreed to, and the Bill was read the third time and passed.

FISH AND CANNING INDUSTRY IN BRITISH COLUMBIA.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved—

That an humble Address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before this House a copy of the report of the commission appointed to enquire into the salmon fishing and canning industry in British Columbia, together with a copy of the regulations for the control and restriction of fishing in the rivers and estuaries of that province.

In moving for the report of which I have given notice before the House, I desire to say that the subject has my entire approval. I think an enquiry by a commission of that kind would be very useful, and that it should be repeated as often as possible. In the protecting an industry of this kind too much care cannot be taken to prevent the rivers from being over fished, and from being polluted with the refuse that is dumped into them from the canneries. Persons owning canneries are sometimes charged with being too avaricious and wishing to over fish the rivers and leave nothing behind for posterity. I I do not know that that is all true, but I know that it would be a very judicious thing to have these fisheries looked after very carefully. In following the evidence of the commission I see that allusion is made there to the fact that the offal from some of the canneries amounts to several hundred tons. This refuse is dumped into the rivers and it must necessarily pollute those waters to a great extent. I see that opinions were divided as to the effect of that practice on the fisheries, but common sense must tell us that in course of time the effect of dumping several thousand tons of this offal into the rivers must be to injure them. Another thing I wish to call the attention of the Government to is the fact that there is some unfairness in the manner of issuing licenses. I see by the evidence taken before the commission that some fishermen have obtained three or four licenses while others could only get one, and had to buy at an advanced price from the others. The rivers are supposed to be free to everybody; at the same time too many boats cannot be allowed to fish in these waters. Perhaps if each cannery was allowed a certain number of licenses it would be a fairer way of dealing with them. However, I suppose the Fishery Department will look after that.

Hon. Sir JOHN ABBOTT—My hon. friend's motion, of course, is a most reasonable one, and in my opinion should be granted; the Government at least will offer no opposition to it. The opinion which my hon. friend has quoted from the canners, with reference to the pollution of the streams by offal, must be one which their wishes cause to be engendered rather than their reason, because it is a well known fact that the salmon, which is a very delicate fish, and desires and seeks clear water almost invariably as far as it can be obtained, is easily driven away by any extraneous object, such as offal, polluting the water. It is most desirable that the practice should be stopped; but I need not tell my hon. friend of the difficulty which circumstances such as those that prevail in British Columbia present in preventing the pollution of the water. It is impossible to convince those who are engaged in the industry that their manner of disposing of the offal is injurious to the fishery until their own interests are compromised by the practice, and it will be practically impossible, I am afraid, to put a stop to it altogether. However, the Government desire to stop it if it be possible in any way, and have already taken some means in that direction, which I hope they may be able to improve in the future, and which may enable them eventually to prevent the disposal of the offal in the way which has been described.

The motion was agreed to.

THE LATE SIR ALEXANDER CAMPBELL.

Hon. Sir JOHN ABBOTT—Before the Orders of the Day are called I desire to call the attention of the House for a moment to a

mournful event which has occurred since this House adjourned. The late Lieutenant Governor of Ontario, as we unfortunately all know, suddenly departed this life, after a long and painful illness, a few days ago, and as he probably was more an object of interest in connection with this House than any gentleman who has the honour of belonging to it, I think it would be only right, and in accordance with the feelings of every member of the Senate, if I take the liberty of stating to the House the strong sentiment of regret which I feel, and in which I am sure the House participates, at the death of our late hon. colleague. The Hon. Sir Alex. Campbell requires no eulogium from me. He has been before the eyes of the country and the eyes of Parliament for some thirty years, and he has filled almost every one of the high offices of the Government, and all with equal success. Whatever he has put his hand to he has done well. He was a man with an extraordinarily clear intellect, a manly, straightforward politician, a man who had the esteem of every one who met him, and of every one who had occasion to transact business with him or with the departments over which he presided. I do not propose to indulge in any long speech on the subject, but I know the House will agree with me in expressing their strong sympathy with his family and our regret at his loss.

Hon. Mr. SCOTT—I am sure that we all join in the remarks that have fallen from the leader of the Government in reference to the lamented death of Sir Alex. Campbell. He was personally a friend of every gentleman of this Chamber who had the pleasure of sitting in the House with him. He had, by his courtesy and consideration, his kindly disposition, exhibited on all occasions, earned the esteem, respect and personal regard of every member of this Chamber who had the pleasure of his acquaintance. I have known him myself for a very long period—over 30 years. I think it is over 30 years since he first entered the Legislative Council of the old Province of Canada, and from the time he entered public life to the time that he left this Chamber he made day by day friends of everyone. He was a man of not only high attainments, but of such marked personal characteristics as won the esteem and respect of all who were brought under the influence of his presence. I am quite sure that we all join in expressing our deepest regret at his sad end.

Hon. Mr. MILLER—I would not be doing justice to my own feelings if I failed to express my sorrow on this occasion, and add my tribute of respect to the memory of the distinguished statesman, who, "full of years and full of honours," has gone to his long rest. After filling with marked ability an unusually large number of the highest offices in the gift of his adopted country, the late Lieutenant Governor of Ontario has passed off the stage of life with an unsullied name, respected by the people and honoured by his Sovereign, both of whom he faithfully served. The eminent services rendered by the late Sir Alexander Campbell to this country are too well known to the people of Canada to require mention at such a time as this, and the great questions with which his name has been honourably connected during an eventful period in our national existence are matters of history. The deceased statesman was one of the fathers of Confederation; he was a prominent individuality in the galaxy of able, patriotic and far-seeing men, who accomplished the union of these Provinces; and it devolved upon him afterwards to guide, or help to guide, the public affairs of the Dominion, in some of its most perilous times and trials. In every position to which he was called he proved himself equal to the duties of the situation; in every difficulty which he had to meet, equal to every emergency. His clear mind, his sound judgment, his great experience, his wide knowledge of political questions, his urbanity of manner, and genuine kindness of heart, were all well known to those of us who followed his successful leadership in this House for twenty years, and I believe were as sincerely acknowledged by his political opponents, among whom I do not think he had a personal enemy. As a political leader he had many attractive qualities, both of head and heart, that endeared him to his friends. Always interested in subjects that interested his followers, he aided and encouraged them in their efforts of usefulness and distinction as members of this Senate, whose value, as a co-ordinate branch of the legislature, he estimated in the true spirit of that constitution he had helped to frame. Always moderate and conciliatory, but at the

same time firm in his own views, he was patient, tolerant and respectful towards the opinions of those who differed from him, whether supporters or opponents. As a public man Sir Alexander Campbell had lofty ideas of duty and honour. He was always ready to say and do what he thought was right, regardless of consequences, and not counting whether it brought him applause or unpopularity. I never knew a man who attained to his eminence in the public life of Canada who had less of the demagogue in his nature than our lamented leader. One of nature's noblemen, he scorned everything mean, timeserving or dishonourable, and his brilliant public record, and lengthy period of official service, are unmarked by a single blemish or a serious mistake. We all thought, when he left this Chamber, that his loss was irreparable, and that as a leader of the Senate we should never see his like again, and in all respects perhaps we may not. But some at least of the lessons of life are easily learned, and one of the plainest of them is, that, in the wise dispensations of Providence, no man's existence is an absolute necessity in the progress of human affairs; and so, after a while, we saw, with equal surprise and satisfaction to all of us, Sir Alexander's successor take up his mantle, and wear it with credit to himself and advantage to the State.

While Sir Alexander Campbell's high character, fine talents and general endowments everywhere commanded respect, it was as a genial companion when the restraints and cares of official station were thrown off; as a generous dispenser of the social duties of his position—as a matchless host, while health remained to him, that the charming qualities of our late leader so universally endeared him to his friends and acquaintances. Whether in office or out of office, whether salaried or unsalaried, there was never a session of this House while he continued a member of it, that he did not gather his colleagues without distinction of party around his hospitable board; and his uniform efforts to soften the asperities of public life, and promote harmony and kind feeling within the range of his influence, all of us who knew him can readily recollect and attest. His kindly smile, his pleasant words—his ever-welcome countenance—his cheerful greetings and friendly sympathies, we shall never know again, but the remembrance of these things will, I am sure, be cherished by us all.

But the dead statesman who had endeared himself to all his colleagues in this body, had special claims on my respect and attachment, because for many years, and until the hour of his death, I had the happiness of enjoying his friendship and confidence in more than an ordinary degree, and it was largely through his influence I had the honour of occupying the Chair of the Senate. The many acts of kindness, of which I was the recipient at his hands, unknown to others, are deeply engraven on my memory, and shall ever be held in grateful recollection.

A year has not yet elapsed since his illustrious chief was borne, amidst a nation's weepings to his last resting place, and now both of these great men, who acted such conspicuous parts, with unmeasured benefit to their country, for so many years, in its public affairs; and who were so much united in life by patriotic deeds and common purposes, indelibly recorded in some of the brightest pages of Canadian history,—in death may truly be said not to be divided, for their ashes repose together in the quiet cemetery of Cataraqui, near the city of their earliest scenes and associations, in the great province they both loved so well and served so faithfully; and to whose annals, as well as to those of the whole Dominion, their noble records have added undying lustre. It is with heartfelt emotion I pay my tribute of respect and affection to the memory of my departed friend—the last of our illustrious dead.

Hon. Mr. POWER—To attempt to say over again what has been so well said by the hon. gentlemen who have just spoken, would be an attempt to paint the lilly or gild refined gold. I think there is a special reason why more should be said about the departed Governor of Ontario than about other public men who have gone from amongst us in the past, and that reason is that Sir Alexander Campbell's whole political career was passed in the Upper House, and consequently the public at large who generally know very little, I regret to say, about what takes place in the Upper House, did not appreciate the deceased gentleman at his proper value at all—even people who are fairly familiar with public men were not aware of his marked ability and statesmanlike capacity. I think that one of the

most remarkable things about Sir Alexander Campbell was his wonderful capacity for transacting public business. There are, of course, a great many hon. gentlemen in this House who remember what ability he showed in disposing of the business of the Senate. We sometimes thought he got it through a little too quickly, and did not sufficiently encourage discussion ; but the truth was that Sir Alexander Campbell had no personal vanity himself. Although he was an admirable speaker, he did not wish to exhibit his own powers in that direction, and he never prolonged discussion unduly. Not only did he show ability in the Senate, but in every department over which he presided—and I think he presided over at least one half of the departments of the Government at one time or another—and I have found from conversation with his subordinates that in every one of those departments he left the same record, that he was an admirable chief and showed wonderful capacity for transacting public business. There is another reason, which has been dwelt upon by the hon. gentleman who has just preceded me, why something more than a mere passing notice should be taken of the death of Sir Alexander Campbell, and that was, that he was an instance, and I regret to say that these instances are more rare than we could wish in recent Canadian politics, of one who followed the example of the best type of English public men. He was thoroughly imbued with English constitutional and parliamentary instincts and traditions. He was tolerant of those who differed from him, and, as has been well said, he had no bitter party feelings whatever, and was not disposed at all to regard men who differed from him in politics as being either personal or social enemies. He treated every member of the House who treated him with anything like courtesy in the most courteous and friendly way. As leader of the Senate, nearly every hon. gentleman here had opportunities of seeing him, that is when he led for the Government, and nearly all of us can testify to his ability in that way ; but I think myself the manner in which Sir Alexander Campbell led the Opposition indicated a higher type of ability. He occupied a very peculiar position. He was leader of the Opposition in this House, the Opposition at the time being considerably stronger than the Government, and a less moderate and less judicious man might have made things very unpleasant to the Government and injurious to the public interest ; but Sir Alexander Campbell so conducted his opposition that the Government had, during all the years which he opposed them, hardly any reasonable ground to complain of the course the Opposition took. I think the manner in which he led the Opposition in this House was highly creditable to him, and deserving of imitation. Then, when his health began to fail, and he sought refuge in the dignified retirement of the Lieutenant Governorship, he was a model Governor. The men opposed to him, as well as those who agreed with him in politics, united in saying that. He was a constitutional English Governor. The idea of intriguing against his Government would never have crossed the mind of Sir Alexander Campbell. Allusion has been made to the gentleman who was his colleague for so many years in the Government. It strikes me that in one respect, at any rate, Sir Alexander Campbell was like the great Liberal leader, whose opponent he had been for so many years, and who died a few weeks before him ; that people of all shades of politics, those who opposed him as well as those who supported him, respected him, and those who knew him loved him, and all united in testifying their respect and love on the occasion of his departure.

THE WRIGHT DIVORCE BILL.

THIRD READING.

Hon. Mr. KAULBACH moved the adoption of the Twenty-first Report of the Select Committee on Divorce *in re* Bill (F) "An Act for the relief of James Wright." He said : This report and the evidence on which it is based, have been for a long time before the House, and I presume that every one is acquainted with the case and in a position to endorse the recommendation of the committee. The case was quite clear to the members of the committee. The parties married in December, 1880, and lived together a very short time—some two or three months—when the respondent eloped with a man named Guy Soper, with whom she lived in Dakota, and up to the time the evidence was taken continued to live, and she has had several children of the adultery. There is clear evidence that there is no collusion or connivance be-

tween the parties, and no condonation of the offence.

The motion was agreed to, and the Bill was read the third time and passed on a division.

PATENT ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (L) "An Act to amend the Patent Act and Acts amending the same."

(In the Committee.)

On the first clause,

Hon. Mr. POWER asked for an explanation of the difference between section 8 of the existing Act and the proposed section.

Hon. Sir JOHN ABBOTT—By the Act as it exists, a person obtaining a patent in the United States has a year from the date of his patent to take one out in Canada, and during that year any person may introduce the invention and manufacture it, and if he does so, although the real inventor may come and take out his patent, the manufacturer who has stolen a march on him may continue to manufacture without any restriction to all time, and thus render, practically, the patent valueless. It is proposed, not to shorten the year, but to give the original inventor three months within which he may give notice to the Patent Office that he intends to take out a patent in Canada, and if after that notice is given a manufacturer chooses to erect buildings and manufacture the article, he does so at his own risk in case the inventor takes out a patent within a year.

Hon. Mr. DICKEY—I think, perhaps, there is a greater difference than would be suggested by what has fallen from my hon. friend. It has struck me so on reading the law as it is, and the law as it is proposed to be made by this Bill. The section in the Act provides that the inventor may introduce his patent within twelve months, and if within that time any person has commenced to manufacture the invention, such person shall continue to have the right to manufacture and sell such article, notwithstanding such patent. It is perfectly clear that it confers upon a person who has made use of the invention, although it was patented in another country, the opportunity of taking the benefit of that, and of acting accordingly for all time to come. Now, this Bill alters that in a very material manner. It provides:

"If within three months after the date of the issue of a foreign patent, the inventor gives notice to the commissioner of his intention to apply for a patent in Canada for such invention, then no other person having commenced to manufacture the same device in Canada during such period of one year, shall be entitled to continue the manufacture of the same after the inventor has obtained a patent therefor in Canada without the consent or allowance of the inventor."

Now, there is a question of principle involved in this. I am not discussing at present whether it is right or wrong. The existing law is in line with all our legislation in protecting the user of the invention, notwithstanding the fact that the inventor afterwards gets a patent. Under this Bill, if a party who has got a patent in a foreign country gives notice within three months that he intends to take out a patent here, it wipes away all the rights of any one who may at that time be manufacturing the invention in this country—it not only wipes out and interferes with that right from the date of the notice, but for the whole space of twelve months. It takes away the right of the party who had commenced to manufacture before the notice was given, because it covers the whole period of twelve months. The clause, therefore, is open to the criticism that it not only varies from the principle which protects the manufacturer in other cases here where he has begun manufacture without knowing the existence of a patent in a foreign country, but it introduces another principle, that although he may have, in good faith, begun to manufacture an invention patented in another country, and not patented here, yet that right may be entirely taken away from him at any time within three months by a notice from the inventor. I question the policy of that course. I hope the Minister will consider this point and endeavour to keep our policy in these matters in line. I do not go into the broad question of patents. My inclination is rather against tying up the right to manufacture these so-called inventions in the hands of any one person, but if it is the policy of the Government and of Parliament to do so, surely they ought to protect the innocent manufacturer, just as we now protect him by the existing law, so that if he has invested his capital

in the manufacture of an article before the inventor gives notice of an intention to take out a patent, his rights will be protected.

Hon. Mr. KAULBACH—I do not think that the clause imposes a hardship upon any body. As I read it, the party who has obtained a patent in another country must give notice to the commissioner of his intention to take out a patent here. Certainly very few persons would undertake in that short time to manufacture the patented article. Every one would know that under the law of the land the inventor had three months' option to take out a patent in this country, and it would be a hardship to deprive the inventor of that right, while it would be no injustice to the public to give the inventor three months within which he could give notice to the Commissioner of Patents.

Hon. Sir JOHN ABBOTT—My hon. friend is quite right in the view he takes of the utility and common sense of the proposal which is made in this Bill, but in answer to my hon. friend from Amherst, he must perceive that the principle of allowiug a person to continue manufacturing who has commenced it before a patent has been sought for or obtained, is very different from the principle governing the case of where a patent has been obtained in another country and the inventor desires to take out a patent in our country. As to the policy of granting patents, we know this, at all events, without going theoretically into the question, that every civilized country in the world encourages the inventor. The inventor is, perhaps, one of the greatest benefactors that the world has. There is no doubt that we are indebted to this system of patents for the various appliances which are daily developing themselves about us, rendering life more easy and facilitating our exertions. The policy of giving that kind of reward to the inventor which is involved in securing to him for a short period of time the exclusive use of the thing invented, is one which is beyond dispute, I think, and my hon. friend, I observe, does not dispute it. Now, in the case to which the hon. gentleman refers as a precedent for refusing this, namely, the case where a man begins to manufacture an article or process before it is patented at all, the reason why a patent is afterwards valueless is that the very fact that the article was manufactured before he patented it—made his claim for a patent debatable—that it was known that he was not the actual original inventor as far as the law could recognize him. The invention was known before he attempted to get his patent, and it was used by the public before he attempted to get his patent. That being the case, it is contrary to the very principle of reward to the inventor that a man claiming to have invented the article should obtain a patent for it after the device or process is known to all the world. Any body might come in after a thing is being manufactured and claim to be the inventor, and obtain a patent for it if he chooses to perjure himself and swear that he is the actual inventor in a case like that, and the law very properly says if a man seeks to obtain a patent for a device he shall endeavour to do so before the world knows of it. Now, look at the difference between the case cited by my hon. friend and this case: In this case an inventor, whom we must presume to be the actual inventor, takes out his patent in a foreign country. It is recorded there, and it is published. All the world knows it, or any body who is interested in patents or machinery or processes may know it if he thinks proper, and sooner or later, after the patent is obtained, some third party who presumably must have learned the particulars of this invention attempts to steal it. He comes into this country and takes possession as it were of the invention which another man is entitled to the credit and benefit of, and begins to manufacture the article. Under the law, as it stands, we allow the inventor the privilege of taking out the patent within a year, and we allow to the manufacturer the privilege of continuing his manufacture if he can in that year. The only question between the two cases is this: that we do not allow, if the inventor shows diligence in coming here to obtain a patent for his invention, the manufacturer to rob him of the benefits of his invention or to deprive him of the proper reward for his ingenuity and industry. We do not allow the person who steals the invention to avail himself for all time of the brains and industry of the inventor. We give the inventor a little larger right than he had under the former system. He may now protect himself, if he uses diligence and comes over here and lodges a caveat, indicating that he intends to proceed and patent his invention in this country. That is the sole difference between the

amendment and the Act as it stands. It was a difference which I explained just now, that instead of having the right to manufacture and use the invention or process for all time that is the lawful right of another, he is prevented from doing so if any reasonable diligence is shown on the part of the inventor. I think the principle is a right and honest one, and serves the purpose which the law of patent is calculated to serve—to encourage the patenting of inventions in this country.

Hon. Mr. POWER—I think the proposition laid down by the hon. gentleman from Amherst to a certain extent is true. Anyone who has had any practical experience in connection with the patent office at Washington, to take it as an example, knows that there are persons who make a regular business of watching what goes on there, and that as soon as an application is made to patent an invention that is likely to be of great value, these people are ready to devise all sorts of schemes to deprive the inventor of the benefit of his invention, and one of the ways to do that would be to come here to Canada and begin to manufacture the article at once. It is not at all probable that two men will independently discover the same thing within three months of one another, and the only case where a manufacturer would have really any ground to complain would be that if he had, or the other person from whom he got the invention had discovered it within three months from the time when the application for the patent in Washington or in London, as the case may be, was made. But the leader of the House did not tell us all the difference between this Bill and the other one. There is another very essential difference between the clause under consideration and the section the place of which it is intended to take. Section 8 of the Patent Act says, "No inventor shall be entitled, etc.," but the clause in the Bill says, "An inventor who is a citizen of Canada, etc." It is only very lately that the Government have been complaining of the way in which, in the matter of copyright, American publishers pirate English productions. I think there is just a little of that same spirit shown in the limiting of this provision to inventors who are citizens of Canada. When it comes to inventions we might, I think, efface the boundary line, and that the inventor who may be an Englishman or a British subject—even though he does not happen to be a Canadian, should have the protection which this law is intended to give him as well as a Canadian, and I think the same rights should be extended to a meritorious inventor even though he should happen to have the misfortune to be a citizen of the neighbouring republic, or of any other country. I really do not see why the Government should make that change in the language of the Act.

Hon. Mr. SCOTT—I rather think the reason for this substitution is due to the fact that in Canada we allow patents to issue for five years, while in some foreign countries they will not allow a patent to issue for a longer term than the country in which the patent was first taken. For instance, a Canadian going to Washington for a patent will be told, "We will not issue a patent for your invention for more than five years. Your Canadian patent is only for five years." But he can take out his patent at Washington first for fifteen years, and in Canada he can renew at the end of five years, and at the end of the second five years obtain another extension for a like period, on payment of the required fee. If he invents his device in Canada it is natural to suppose that he will take out his patent here first; but there is that advantage I have just referred to in taking out the patent in Washington first, for he could then take out patents in other countries for fifteen years. I think that is the reason for this clause.

Hon. Sir JOHN ABBOTT—There is another reason, namely, that there are disadvantages in the patent laws of some foreign countries operating against the man who holds a patent in another country. It was so in the United States at one time. I do not know whether it is so now or not, but it was at one time in the United States an objection to the issuing of a patent there the fact that there was a patent already for the same article elsewhere. I think the principle that I cited is the true principle governing the amendment. With regard to the period of five years, a Canadian patent has practically a life of fifteen years, because, although it is true it is issued only for five years, there is a convention in the patent itself by which, on payment of a fee, it can be extended to fifteen years.

Hon. Mr. POWER—The hon. gentleman has not given an explanation of the reason

for limiting this privilege to citizens of Canada ?

Hon. Sir JOHN ABBOTT—This clause is made for a special case, and I presume it is on the principle that we desire to legislate for our own people, and I think it is a very laudable disposition. I can see very well that there is a reason for giving this preference to our own citizens. I do not see that there is any such reason for giving it to a foreigner.

Hon. Mr. POWER—Supposing you say "British subjects ?" I think that Englishmen and foreigners should be encouraged to take out patents here.

Hon. Mr. ABBOTT—So they are.

The clause was agreed to.

On the 22nd clause,

Hon. Sir JOHN ABBOTT—This clause bears on the subject that we have been discussing lately as to the duration of a patent. It is proposed by this clause to have the duration of a patent eighteen instead of fifteen years, and the reason that is given for it is that in the United States and many other countries the life of a patent is for a longer term than fifteen years. In the United States it is seventeen years, and in Great Britain and other countries even more. A good many of the inventors who take out patents in Canada are Americans who first take out their patents in the United States because they obtain a longer life for their patent by taking it out first in the United States. If they take it out in Canada, under the existing law, they lose two years, because the life of a patent only extends as long as its life in other countries where the same device or process has been first patented. By making it a year longer than it now is under our law it gives the United States inventors the privilege of coming in and taking out the patent, and giving to their Canadian patents about the same life as their patents in the United States, and *vice versa*. It is simply to assimilate the lives of the patents that this clause is introduced.

The clause was agreed to.

On the 7th clause,

Hon. Sir JOHN ABBOTT—The actual change which is made from the existing law by this clause is this : If he imports the invention from another country he avoids his patent. It is often the case that a number of persons are interested in a patent, having separate interests, and it is considered unjust that the improper conduct of one of the parties so interested should avoid the patent as respects all the others, so that the change which is made by this clause is to punish the infringer by the loss of his privileges ; but those that have done no wrong are not punished, which has the effect of "making the punishment fit the crime."

Hon. Mr. KAULBACH—It is confined to the importer of the article.

Hon. Sir JOHN ABBOTT—Yes ; that is the whole thing.

Hon. Mr. DICKEY—I am not contending against the change.

Hon. Sir JOHN ABBOTT—There is that change made that the forfeiture extends now only to the person who imports, and not to those who do not import.

The clause was adopted.

On the 9th clause,

Hon. Sir JOHN ABBOTT—This clause is new. It has been the practice in the department to submit an application for a patent with the models and specifications to an examiner ; this clause makes it a part of the law instead of a mere departmental regulation.

The clause was adopted.

Hon. Mr. CLEMOW, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BILLS INTRODUCED.

Bill (70) "An Act to incorporate the Dominion Millers' Association." (Mr. Read.)

Bill (16) "An Act respecting the Ottawa City Passenger Railway Company." (Mr. Clemow.)

Bill (N) "An Act to amend the Inspection Act." (Sir John Abbott.)

The Senate adjourned at 9 p.m.

THE SENATE.

Ottawa, Wednesday, June 1st, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BENNETT DIVORCE CASE.

REPORT OF THE COMMITTEE.

Hon. Mr. KAULBACH, from the Select Committee on Divorce, presented their Twenty-second Report. He said: This evidence is voluminous, and in view of the recommendation of the committee it is a question whether it should be printed. Two copies have been made and are now on the Table of the House, and members can see them if they desire to do so. If the House comes to the conclusion that two copies of the evidence will be sufficient, the evidence need not be printed, and I will move that the report be taken into consideration on Monday next.

Hon. Mr. CLEMOW—The Bill has been withdrawn and there can be no objection to the adoption of the report now.

Hon. Mr. KAULBACH—If that is the wish of the House, I will move that the report be adopted presently.

Hon. Mr. ALMON—Were the committee unanimous in their decision?

Hon. Mr. KAULBACH—Almost unanimous.

Hon. Mr. ALMON—Were they quite unanimous?

Hon. Mr. KAULBACH—I think the hon. member from Victoria (Mr. Macdonald) was not quite satisfied.

Hon. Mr. ALMON—I think the evidence ought to be printed. The committee are not judges of the case. Their duty is to collect the evidence and report it to the House, and we are to be the judges. We should not give our opinion without being fully informed of the facts.

Hon. Mr. KAULBACH—There are two copies of the evidence on the Table of the House, and any member can see them if he wants to.

Hon. Mr. DEVER—What would be the cost of printing the evidence?

Hon. Mr. KAULBACH—About one hundred dollars.

Hon. Mr. PROWSE—The committee ask the House to decide this case without giving us an opportunity of reading the evidence. If the committee asked for power to dispose of these divorce cases without coming back to the Senate, I do not know that I should object to it, but it is demanding too much to ask the House to decide upon evidence that they have never seen, and which they cannot see unless members go individually to the Table and read the type-written copies for themselves.

Hon. Mr. KAULBACH—I should be very sorry to have the committee decide these divorce cases. We have responsibility enough in taking the evidence, and giving our opinion on it. Neither do I wish by this motion that I have made to deprive the House of an opportunity of fully inquiring into the facts and judging whether the finding of the committee is justified by the evidence. It is simply a question whether we should go to the expense of printing the evidence under the circumstances. My intention was not to ask that the report be taken into consideration now but that it be postponed until Monday next, but it seemed to be the desire of the House that the report should be adopted now. If hon. gentlemen wish to have it postponed until Monday next, that will give ample time for every one who wishes to see the report to examine the report and it will save one hundred dollars for the printing of the evidence. I move that the report be taken into consideration on Monday next, it being understood that the two type-written copies of the evidence on the Table will be sufficient.

The motion was agreed to.

WINNIPEG AND ATLANTIC RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. SANFORD, in the absence of the Hon. Mr. Lougheed, moved the third reading of Bill (72) "An Act to incorporate the Winnipeg and Atlantic Railway Company."

Hon. Mr. POWER—In pursuance of the notice which I gave, I move—

That the Bill be not now read a third time, but that it be amended by striking out the ninth clause thereof.

He said : The 9th clause of the Bill authorizes the company which is to be incorporated under the Bill to amalgamate with other railways, and I think it especially names the Canadian Pacific Railway. Now, either those gentlemen who seek incorporation as a company at the hands of Parliament are in earnest, and propose to go on with this great work of building a railway from Winnipeg to the Atlantic coast, or they are not. If they are in earnest then it is in the public interest that this road, if the road is to be constructed, shall not be controlled by the Canadian Pacific Railway Company. The advantage to the country of having a second outlet from Manitoba and the great North-West to the Atlantic is a prospective reduction in rates and greater traffic facilities for the North-West. If this company do proceed to construct this road, and then allow their railway to pass into the hands of the Canadian Pacific Railway Company the North-West will not get the advantage of competition ; consequently it must be perfectly clear to every hon. gentleman that it is not in the public interest, and especially in the interest of the North-West, that this company should be allowed to amalgamate with the Canadian Pacific Railway or any other railway. Under our present legislation the Grand Trunk and Canadian Pacific Railway are not allowed to amalgamate, and every one knows it is in the interest of the country. But there is another view of the question, and I think if we take that view of it, the motion which I have the honour to make is also one which should be adopted by the House. It may be that the gentlemen who are seeking this Act of incorporation are not serious in their intentions of proceeding with the undertaking, and it may be that the real object is that they may be in a position to, in a certain sense—I do not wish to use the expression in an offensive sense—to levy blackmail on the Canadian Pacific Railway. Now, I do not think that Parliament should do anything to put this company in a position to do that. Looking at the thing from the only two possible points in view, it is desirable that the motion which I have made should pass.

Hon. Mr. ALMON—Perhaps the promoter of this Bill will say where this road will strike the Atlantic ?

Hon. Mr. SANFORD—I hope that the amendment of the hon. gentleman from Halifax will not prevail. This clause is simply a clause which we find inserted in a large majority of the charters that have been asked for and have been granted by this Parliament for the past two years. In most of them I think you will find that powers have been granted for amalgamation with any road with which they may come in contact or have connection with or cross. This company do not propose and do not expect their road to cross any other railway from the starting point except the Canadian Pacific Railway until it reaches its destination. There is no intention on the part of the promoters of this road to amalgamate with the Canadian Pacific Railway or any other railway. The chief advantage of the road is that it is supposed to shorten the distance to the Atlantic coast by some 600 miles, and the company are simply asking for powers which have been given in the large majority of charters granted by this House in the last two years. We all feel deeply indebted to the hon. gentleman from Halifax for the sympathy he has expressed with the Canadian Pacific Railway, and for the suggestion that this legislation may be productive of evil rather than good ; but if the promoters of this enterprise are successful in giving a second outlet from the great wheat-growing country to the Atlantic it will be a grand thing for the Dominion and for the promotion of the agricultural interests of the North-West.

Hon. Mr. KAULBACH—I agree with the hon. gentleman from Hamilton. The arguments of the hon. gentleman from Halifax have not been satisfactory to me. In the first place, I do not see why the Canadian Pacific Railway should not be allowed to amalgamate with this company, if they think proper. It is desirous to have the road completed, if it is possible, and the result of the hon. gentleman's motion, if carried, may be the destruction of the enterprise altogether. The country is desirous of having a short outlet to the ocean, and if we can get it in that way I cannot see what objection there can be to it. As to this company levying blackmail on the Canadian Pacific Railway there is no such possibility. The Canadian Pacific Railway can build a competing road themselves if they choose.

Hon. Mr. MACDONALD (B.C.)—The Canadian Pacific Railway are quite able to take care of themselves.

Hon. Mr. KAULBACH—We know that they have the power to build another railway if they choose. We know they are equal to stupendous undertakings, and no doubt if they undertake this scheme they will be equal to the occasion. If we eliminate this clause from the Bill in my opinion it would make it unproductive. The company ask for a capital of two millions of dollars ; I do not think that would build the road ; but if the Canadian Pacific Railway Company could take it with them jointly or by leasing it the road would be built. This road will not interfere with any other line of railway that is at present in existence or likely to be in existence. It is almost a straight line from Winnipeg to the Bay of Seven Islands opposite Anticosti. I am sure if the road is built it will be a great advantage to the Dominion.

Hon. Mr. O'DONOHOE—I am inclined to think it would be better to leave the clause out, and let the companies who wish to amalgamate come here to have their agreement ratified. Then Parliament would be in a position to know whether the proposed agreement was in the public interest. I am of the opinion that it would be well to adopt this system in all Bills, excluding from them any anticipatory clauses of the kind. The proper time to consider the question of amalgamation is when the agreement is made, and Parliament is asked to sanction it.

Hon. Mr. BOULTON—I sympathize with the motive of the hon. member from Halifax that has caused him to bring this matter up—which is to try and provide competition in railway communication from the west to the Atlantic seaboard—but I do not think that the motion will produce the effect that he desires. So far as I can see, there is nothing derogatory to railway construction or railway competition when a railway that desires to construct that line seeks to connect with or amalgamate with the Canadian Pacific Railway—in this particular instance at any rate. There is a great deal more in the route that has been applied for by this company than the general public think. The object is evidently to get another outlet, by the northern part of our country instead of by the southern, and as such I think the project has great merits. I believe it will be a shorter line, and every mile of it that is built will assist in developing our forests and mines. It is also a route that will tap the southern end of James Bay and probably develop our fishing interest in Hudson Bay. The Bill has great merits which have led the promoters to bring it before Parliament. It is possible the Bill may be promoted by the Canadian Pacific Railway, and that the company is applying for the charter in the names of others.

Hon. Mr. MACDONALD (B.C.)—There is no harm in that.

Hon. Mr. BOULTON—There is no harm in it even if the Canadian Pacific Railway Company ask for the charter directly. If we were granting a charter and excluding any one else from using the same route, there would be something in the contention of the hon. member from Halifax, but there is nothing to prevent any body of capitalists from getting a charter for the construction of a line by the same route. We have always pursued a policy of free trade in railways, and given charters to all who could find the means to construct roads. For that reason I think the amendment woud not accomplish the object that the hon. member from Halifax has in view. In constructing this railway it is possible that the company may want to commence 200 miles east of the Canadian Pacific Railway, and run into the Canadian Pacific Railway or construct a loop line to ease the traffic on the Canadian Pacific Railway. Hon. gentlemen must recollect that the population which we hope will come into that north-western territory will tax the resources of the railway accommodation that we possess, and therefore it is fair and reasonable to give every opportunity to the promoters of these lines to construct them with the greatest facility and with the utmost rapidity.

Hon. Mr. DEVER—I think it is very natural that members from Nova Scotia and New Brunswick should not look on this line very favourably. Since Confederation we have given our proportion of nearly one hundred millions of dollars to complete the Canadian Pacific Railway, our object being, of course, to have that line terminate at the cities of Halifax and St. John, on the Atlantic. Now, the object of the promoters of this Bill is to divert the traffic of the North-West from these

cities. I do not know much about the history of this line, and I do not feel disposed to say much about it, further than this, that if the object of the Bill were well understood in the older provinces it would not be regarded very favourably. Of course we are all proud of the Canadian Pacific Railway Company and recognize all that they have done for this country, and our desire is that they should be aided in every way in achieving success, but we should not permit anything to be done which would interfere with the great object which was in view when the line was constructed, namely, to carry the traffic of the North-West to our Atlantic seaports. I am disposed to sympathize with the hon. gentleman from Halifax ; it is natural that I should, and I feel disposed to support his motion.

Hon. Mr. GIRARD—We have passed many Bills containing provisions similar to those in the ninth clause of this Bill, and it is well known that any company that seeks incorporation for the construction of a railroad looks forward to the possibility of having to make traffic arrangements with the Canadian Pacific Railway. It would certainly be an advantage to retain this clause in the Bill. Certainly, if the projected line should ever be constructed it will be of great value to the North-West. It will go through parts of the Dominion which are now a complete wilderness, and which must remain without population or development for many years to come unless the road is constructed. It is unlikely that any step will be taken to carry out this project unless we give every encouragement to those who have the courage and the funds to undertake the enterprise. Certainly the building of this road would open up vast forests and important mines, and it is in the public interest, generally, that this Bill should pass without amendment.

The Senate divided on the amendment, which was rejected by the following vote :—

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THE HARRISON DIVORCE BILL.

THIRD READING.

Hon. Mr. KAULBACH moved the adoption of the Eighteenth Report of the Select Committee on Divorce *in re* Bill (G) "An Act for the relief of Hattie Adele Harrison." He said : It appears from the evidence that the parties in this case married in 1879, lived together as husband and wife until 1890, and then she deserted him in consequence of his infidelity, cruelty and drunkenness. Last summer, in the month of August, in the city of Ottawa, he went through the marriage ceremony with a young woman in this place, and lived with her as his wife for a week, when she, finding the position in which she stood towards him, accused him of it and he left. The committee have not only found him guilty of adultery, but of bigamy also. We had before us not only the unfortunate wife, but also the unfortunate woman who was induced, under false pretenses, to go through the marriage ceremony with this man. The circumstances of the case elicited a great deal of sympathy from the committee, towards both of them, and they were unanimous in their finding. Although I agree with the finding of the committee generally, I wish to say that there are some clauses in this Bill which have not my approval, although on the general question of the adultery I agree with it. I refer to the clause giving the right to the parties to marry again. I do not see why it should be incorporated in either the petition or the Bill. The parties have the right to marry again, although society in general disapproves of the practice, and I think it should not be incorporated in the Bill. It simply asks us to authorize and empower the parties to do what they have

the right to do under our law. Then, as regards the custody of children, in this case the wife has the custody of her children, and we all agree in that, because he not only has fled from the country, but she has had to maintain the children herself for years. We have, however, no right to interfere with questions relating to property or civil rights, which are questions within the purview of the local legislature, within the purview of the Local Legislature, children are matters purely for the courts. In several cases we have so decided. In the Evans case in 1875 we struck out that clause and said it was purely a question for the courts. Last year in the Ellis case we did the same, and struck out that clause. We have not in the committee of the Senate any fixed principle by which we are governed in these matters. We have hitherto been governed by the circumstances of the case; at the same time, I think we ought in the Senate merely to decide on the status of the parties and leave the incidents for the Provincial Legislatures, which have exclusive jurisdiction over property and civil rights.

The motion was agreed to, and the report was adopted, on a division.

Hon. Mr. SANFORD moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

The Senate adjourned at 4.10 p. m.

THE SENATE.

Ottawa, Thursday, June 2nd, 1892.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE COST OF PRINTING THE DEBATES.

ENQUIRY.

Hon. Mr. BOULTON inquired—

If the Government will lay on the Table of this House, a record of the time cards on the Senate *Hansard*, which is set by the Linotype, on which is recorded the number of hours' work and number of ems set, and the cost of operators and machinist?

He said: My object in making this inquiry is to ascertain why it costs so much to print our Senate debates, whether it is in consequence of the use of the Linotypes that have been imported for the purpose, and to learn if there are other machines that will do the work cheaper. There is no doubt about it, the cost of printing our debates is heavy. Many hon. gentlemen who take pains to collect information for the benefit of the public like to distribute copies of the debates through the country. I had occasion, in discussing the question of our trade relations, and other points, to order a certain number of copies of the Senate debates, and I found the cost very heavy indeed. I should like to ascertain whether that cost is in consequence of using the machine to which I have referred, or whether manual labour will be less. There are two classes of machines—one the Linotype, and the other the Typograph. The Linotype, I understand costs about $3,000, and the Typograph $2,000. The Typograph is use in the *Citizen* office, and one other place in Ottawa. It appears to be a much simpler machine than the Linotype, and the cost of printing by the Typograph, I have been informed, is half what it costs by the Linotype. There is no doubt about it, that the cost of printing our debates is heavy. A remarkable case has occurred lately in the United States in connection with the printing of the debates of Congress. Congressman Thomas Johnson, of Cleveland, who is advocating very strongly free trade in the United States *versus* protection, in the course of a debate, with the assistance of other members, managed to insert the whole of "Henry George on Free Trade and Protection." One member took one chapter, and another another chapter, and thus the whole of "Henry George on Free Trade and Protection" was inserted in the *Congressional Record* and a million copies were ordered for distribution throughout the country. These cost one cent apiece. Whether this was the actual cost or not I cannot say, or whether the debates are cheapened for the purpose of distribution, but I know with us if any one wishes to purchase a few copies of the Senate debates he has to pay a much higher rate for them—very often two or three cents apiece for an ordinary debate. It is for the purpose of obtaining information on this point that I make the inquiry.

Hon. Sir JOHN CALDWELL ABBOTT—I have the honour to lay on the Table of the

House a statement of the time cards on the Senate debates, as suggested by the inquiry,

LAND GRANTS TO RAILWAYS IN MANITOBA AND THE NORTH-WEST.

MOTION.

Hon. Mr. BOULTON moved that, in the opinion of this House, the time has come when bonuses of land grants to railway companies, in Manitoba and the North-West Territories, should cease. He said: I have the honour to reside in the interior of the country, and I consider it an honour because it is in the heart of a very fine country, some 800 miles west of navigation from Port Arthur, and 300 miles from the city of Winnipeg, consequently we are very dependent upon railway communication. Hon. gentlemen will realize the difference there is between us who reside in the interior and have to earn our living and support ourselves out of the products of the soil and find a market abroad, as compared with those who live down here and have such magnificent water communication which extends to nearly every portion of the country east of Port Arthur, and the capabilities of the natural channels of navigation and also the capabilities of improving those natural channels by means of canals. Hon. gentlemen realize then what an important question it is to us, this matter of railway communication. In opening up the North-West Territories the Government acted very wisely, I consider, in promoting the development of that country by means of land grants, and the Canadian Pacific Railway was subsidized very largely by means of land grants. When I say "wisely," I do not know if the Government had adopted the same means of constructing railways that they have in Australia, money would have been saved to the country. However, we have not found ourselves able to construct railways as Government works successfully. The record of the Intercolonial Railway shows that we have a great deal to learn and a great many improvements to make on our system before we can undertake the construction or management of Government railways. In order to have no responsibility with regard to the future running of the road the Government gave a large cash subsidy to the Canadian Pacific Railway and a land grant of 25 million acres of land. This land grant was subsequently reduced by some seven million acres returned to the Government. In addition to that the Government continued to give land grants to other railways—to the Manitoba and North-Western Railway, to the Manitoba and South-Western Railway, to the Great North-West Central, the Wood Mountain and Qu'Appelle Railway, and the Calgary and Edmonton Railway, and the railway running from Regina to Prince Albert—all these were subsidized by land grants.

Some hon. GENTLEMEN—And the Hudson Bay Company.

Hon. Mr. BOULTON—And the Hudson Bay Company as well. All these roads have been subsidized, but we have not found that these land grants have realized the expectations that they were given for—that was to insure the construction of these railroads. The Manitoba and North-Western Railway is a railway that runs through the district in which I reside. It was given a land grant of 6,400 acres per mile for the line from Winnipeg to Prince Albert in 1883 on the condition that the company would build at the rate of 100 miles a year until they reached Prince Albert. The Government were justified at that time in giving a land grant before any considerable settlement went into the country, in order to reach Prince Albert, which was some 500 miles from the city of Winnipeg, and if the railway company had pushed the construction of the road at the rate of 100 miles a year the country would have been recouped for the assistance that was given to the railway in land grants by the large development that would have taken place. But instead of that the company came back to Parliament and had the mileage reduced to 50 miles a year, and afterwards had it reduced to 20 miles a year, and this session they have had a Bill before Parliament asking to be relieved from building the 20 miles this year. Therefore it is desirable that some different system should prevail in order to assist railway construction, without taxing the country to such an extent as the land grant is undoubtedly at the present moment. Before the North-West Territories were opened up at all, the land was valueless. When the Canadian Pacific Railway went through it all the lands in the country were brought within a measurable distance of the oustside world and a value was at once attached to them that did not before exist. I know of some loan companies that loaned $2.50 per acre on land 60 miles from railway com-

munication. The Government held a land sale in the Birtle district in 1882, before a railway came within 50 miles of it, and the land fetched $2.65 per acre. The Manitoba and North-West Central Railway having failed to reach Prince Albert the Government gave a land grant to the line running from Regina to Prince Albert of 6,400 acres, and in addition $80,000 a year for twenty-five years. That was a land grant that would not probably have been given if the Manitoba and North-Western or the North-West Central Railway had fulfilled the conditions on which they received their land grants. The construction of railways in the North-West has given a value to the land that it had never before attained, and the way that we can gauge the value of our land in the North-West Territories now is by the prices they bring at public auction and sales by railway companies. Last year there were a great many school lands sold and the lowest price that they sold at was $5 per acre. They averaged from $5 to $10 an acre. Then the Hudson Bay Company have the same quantity of land as our school sections—two sections in each township—and the lowest price that they sold at is $5 per acre, and they realized an average of about $6. The Canadian Pacific Railway Company, in their last report, show that they have received for the lands that they have been selling an average of $4.40 per acre. The North-West Land Company, which purchased three million acres from the Canadian Pacific Railway, have been selling their lands during the last year at an average of $4.30 an acre, so that you see all the companies that have lands in the North-West have been receiving greatly increased prices—nearly $5 an acre. Therefore we may assume that all these lands in the heart of the country where I reside are in reality worth $5 an acre. The land grant of 4,600 acres a mile at $5 an acre is $32,000 per mile of an actual bonus to the railway, and, I contend, that having arrived at our stage of progress and development it is now altogether an excessive sum to give to any individual railway. At the same time, in that large country it is desirable that railway construction should go on, because every portion of our North-West Territories will support a railway company within 10 miles of it—that is to say, a belt of land 10 miles on each side of a railway is quite sufficient to support that railway once settlement goes upon it. For the first few years, until the settlement goes into it, of course it can do very little more than pay its running expenses, and therefore the railways have to be assisted. Capital is not likely to go in there and do without interest for eight or ten years, unless there is to be aid of some kind. So I have been thinking over in my own mind a mode by which the Government may assist these railway companiess to secure the development of the country to a greater extent, without its costing the country any outlay, and without giving such enormous bonuses to individual companies. Now, the Manitoba and North-West Railway Company have about one and one-half million acres still unearned. They have earned the land grant on 250 miles, and I think there is about 200 miles still to be built to reach Prince Albert, on which they had a land grant promised them. Of course that land grant is still unearned, and is forfeited so far as complying with the conditions is concerned. The North-West Central Railway has a land grant on 450 miles. The company has built 50 miles of its road, and earned that proportion of the land grant only. The Wood Mountain and Qu'Appelle Railway is 450 miles long, and the company has not earned any of its land grant. The company has been in existence for a number of years and has not succeeded in doing anything yet. The Lake Manitoba Railway and Canal Company has also a large land grant still unearned. Now, those four railway companies alone are entitled to land grants amounting to about nine millions of acres. Now, if you take that nine million acres and compute it as being worth $5 per acre, which we are justified in assuming by the prices that are being obtained by the companies for wild lands in the North-West, there is $45,000,000 of assets in the hands of these four railway companies. Now, that $45,000,000 distributed in a different way would assist five times the amount of mileage that it is designed to assist at the present moment. The suggestion that I have already made in connection with the Great North-West Central Railway Company is that the Government should guarantee the bonds of those railways—that they should take, say, those ten millions acres of land already hypothecated and turn it into a fund amounting to $50,000,000, by doing as we do with the school lands, make an upset price of $5 an acre to be managed by a land commission, and out of the proceeds of the sale

of those lands by the commission a fund could be set aside as a security for the endorsation by the Government of the bonds. If a railway company, even with a land grant, goes to Europe to raise capital for the construction of a line, they have to pay almost as much to get the money as to build the road. That is to say, if it costs $16,000 a mile to construct the road, it costs nearly $16,000 a mile to pay capitalists rates for the money to build the road. There is a burden of $32,000 a mile put on the people of the district through which the road is to pass and the resources of the people are taxed to that extent to raise that amount of money. We had an illustration of this in the Baie des Chaleurs case last session. You remember the evidence of Mr. Armstrong: he said that a financial house offered to negotiate the bonds of the Baie des Chaleurs at 75 and divide the proceeds with the company. That is to say, out of the bonds at 100 the company would receive only 37½ per cent.; another 37½ per cent. was to be absorbed by those who floated the bonds and the road would have to pay 100 if it ever became a financial success at all. If the project failed, the credit of the country suffered. The financial burden is very much the same in the North-West, only not to the same extent, because the traffic develops more rapidly there. Under the plan that I propose the country would retain an enormous amount of money that now goes out of it for interest. Every dollar that we have to pay out for interest on public works, over and above what the capital could be reasonably obtained for is a dead loss to the Dominion. It is a good deal better that we should be paying interest on only $1,000,000 than that the people should have to pay indirectly a higher rate of interest on $2,000,000. If you take railway bonds that are only secured by land grants and offer them on the European markets, they will fetch from 80 to 90 per cent., according to the character of the road and the country it is to pass through and in addition to that these bonds have to bear from five to six per cent. interest. Under a scheme of this kind, the Government, with a security of 50 millions of acres, would undertake to guarantee the bonds of certain railways necessary for the development of the country, and could get for those bonds par at four per cent interest. There is a saving of not only half the interest but from ten to twenty per cent on the capital realized from those bonds, and it is with the idea of saving the traffic of the country such a burden that I have brought this question before the House in order that it may be discussed and receive the attention which it deserves. I am quite aware that to ask a thing of the kind without some compensating advantage would not be a proposition which would be favourably received, and therefore I have proposed, in connection with a guarantee of that kind, that the railways receiving the benefit of that endorsement shall pay to the country three per cent of their gross earnings. This is not a new idea. In fact the Manitoba and North-Western obtained aid from the Manitoba Government who loaned them $6,400 per mile, or $1 per acre, on their land grant by endorsing their bonds—or rather they gave Government bonds for them and the railway company, in consideration of that endorsement, gave to the Manitoba Government three per cent of the gross earnings of the road so long as any portion of that indebtedness remained unpaid. That is manifestly a very fair arrangement for the Manitoba Government. The Government got the benefit of three per cent on the gross earnings. Of course the railway company were not liberal enough, because they cut that off after the debt was paid. Under my proposition a very handsome addition to the revenue of the country might be derived from the railway companies receiving the benefits of the endorsation of the kind I have described. The railway companies, by getting this endorsation, would save money in construction and in the interest they would have to pay, and therefore the three per cent on the gross earnings would be a very small return to make for the benefit of that endorsation.

Hon. Mr. KAULBACH—Three per cent on the net earnings?

Hon. Mr. BOULTON—No; on the gross earnings. Supposing a company has gross earnings amounting to $2,000,000, three per cent on that would be $60,000 a year. The idea originated in the United States. The state of Minneapolis assisted their railways in that way—in fact they made every company, whether aided or not, pay three per cent out of its gross earnings, and it is an idea that is taking root in Canada. I find that the city of Toronto is demanding something in return for the privilege of operating

the street railway. Some hon. gentlemen, when I spoke of this question before, thought that the railway companies would only add this three per cent to their rates, but I do not find that to be the case. If you were to give each railway company a bonus of $50,000 per mile they would not cheapen their rates at all. The stockholders would simply get the benefit of it. So it is with the land grants : they do not cheapen the rates in the slightest degree. The land grants are used to increase the capital stock of the road and benefit the promoters individually. On the other hand, if they had to pay three per cent of the gross earnings to the Government it would not come out of the traffic of the country. The disposition of railway companies is to put on all they possibly can—all that the traffic of the people are able to stand. Therefore the revenue of the country would be increased considerably by the imposition of three per cent on the gross earnings and this revenue might be utilized to assist other railways in the future. I am not in favour of subsidizing railways for the purpose of making the promoters wealthy. What we subsidize our railways for is to develop the country and cheapen the traffic to the people, and that can only be done by keeping the cost of construction and management down to the very lowest notch. Then when we get that we will have obtained very great advantages for cheapening the cost of production in the North-West. As I said before, when a man lives 800 miles from the seaboard and has to pay railway charges for that distance, his anxiety on this question can readily be understood. To give you an idea of the difference in rates between our western country and the eastern provinces, I may mention that the price we pay on a car-load of lumber from Keewatin to Winnipeg, 135 miles, is $48, while the rate on a car-load of lumber from Ottawa to Montreal, about the same distance, is $12. These are the rates that prevail on different parts of the same road.

Hon. Mr. MACDONALD (B.C.)—How many thousand feet in a car load ?

Hon. Mr. BOULTON—12,000 or 15,000. It depends on whether it is dry or green lumber. The reason that the freight rate is lower here than in the North-West is that we have here water competition, and if higher rates were charged the water route would take all the freight and the railway would get nothing. We in the North-West who have not the benefit of water competition have to pay four times as much. I could cite another instance to show the extraordinary cheapness of water communication, as compared with railway traffic. An oatmeal mill at Portage la Prairie had occasion to import a shelling stone from Glasgow, and it was delivered duty paid at Port Arthur for a certain price. It cost exactly the price of the stone with freight and duty paid to Port Arthur to carry this same stone from Port Arthur to Portage la Prairie.

Hon. Mr. McCALLUM—How long ago was that ?

Hon. Mr. BOULTON—Four or five years ago. The railway rates were equal to the cost of the stone and the cost of the water carriage to Port Arthur and the duty. Take another instance : the Intercolonial Railway we all know has been run at a great loss, and the rates on the Intercolonial Railway are two-tenths of a cent per ton per mile for carrying wheat, and three-tenths of a cent per ton per mile for carrying flour or coal. We in the west have to pay 21 cents per 100 for carrying our wheat from Portage la Prairie to Port Arthur, a distance of 500 miles, at two-tenths of a cent per ton per mile ; the rate on the Inercolonial Railway is $11 per car for 500 miles, while the rate in the North-West is $51 per car for the same distance. So hon. gentlemen will see what an important matter this question of railway communication is to us. It is for the purpose of securing greater development in our railway communication and cheapening the cost of construction, and thereby enabling the companies to carry freights at cheaper rates, as well as encouraging our rescources, that I have brought this question before this honourable House. I do not think that I will take up the time of the House with a more lengthy statement of our case, but I have shown to this House, and I have shown to the Government the desirability, if not the actual necessity that exists for adopting a different system in subsidizing and assisting railway construction in the North-West. I have shown hon. gentlemen that four railway companies chartered to develop excellent tracts of country, to develop settlements that are actually in existence, and

to serve a useful purpose, have not been proceeded with ; that even with the assistance of land grants to those roads the hopes of the people have not been realized. The only thing that will develop that country is railway communication, and fifty millions of dollars, as I showed you here, is the value of the land grants in the hands of these four railway companies. If the Government were to give the companies a bonus of $4,000 a mile it would encourage the construction of five times the railway mileage that the land grant is doing. If the land is worth $5 an acre, and the bonus is 4,600 acres a mile, that is equivalent to a cash bonus of $32,000 per mile. Supposing it was a cash bonus of $4,600 a mile, taking out of this land grant of 4,600 acres a mile you would have ten times the mileage constructed. I am a strong friend of the railways. I want to see them prosper and preserve their credit so that capital will flow into the country for the purpose of construction, but I think there has been a great deal of extravagance in the absorption by railways of that magnificent domain, and the time has come for economy in husbanding the resources of the North-West. I believe that something like forty millions of acres of the public domain have been given away. I see the Minister of the Interior has stated that a great deal of that land grant will not be earned by the companies, and I suppose some of it is included in the land we have been discussing. But these forty million acres is the choice lands of the country. The statement is made that we have still 200 million acres of good land in the North-West. That statement is exaggerated, for all the land is not equally good, and there are some alkali lands that are decidedly poor. When labour has been put upon these lands I have no doubt it will improve their character, but it will take a great deal of labour to make it productive. We have reserved the even numbered sections for homesteads, so that one half of the land is free and not available for railway purposes. We have given 40 million acres of the choice lands to railway companies, and besides that are taking a large portion of the available lands in the North-West, and placing them in private hands, so that the resources of the country will soon be brought to an end, so far as our public domain is concerned. In Australia they have set us a great deal better example in regard to their dealing with the public domain, and with regard to the construction of railways. The Government have built their railways and they make them pay. The net interest hat is paid for the construction of railways, which form the largest portion of their public debt, is 3 per cent upon the whole of their debt, and for our debt we have not got that asset. What I contend is that we should assist these railway companies, and in return for the assistance we give them make them pay to the country a fair proportion out of their earnings.

Hon. Mr. PERLEY—I am not quite in accord with my hon. friend in regard to the principle of his motion, although he names me as seconder to this resolution. I must say, however, that as far as land grants to railways are concerned I should not take exception to that system, but I do take exception to another part of it, and for that reason I am to some extent in accord with the sentiment expressed by the hon. gentleman from Shell River. I may say also that I to some extent regret the want of sympathy that I notice visible in the Senate to-day, as I have in the past, with respect to the opinions that are expressed by my hon. friend. Every patriotic Canadian in this Senate, and I think in the country, is aware that during the past 20 years we have made great progress in railway building in Canada. From the general knowledge I have of the provinces I believe there is no country in the world that has made greater strides or progress in railway development in proportion to the population than the Dominion in the last 20 years. Our Intercolonial Railway has been built. It is a magnificent structure. It has opened up a large area of country and has developed interprovincial trade. We have also the Canadian Pacific Railway, which, from its importance as a transcontinental line, and the gigantic character of the scheme, is a work which I think every Canadian should justly be proud of, considering the population of the country and the extent of country it has to pass over that is absolutely useless. I think it is a wonderful work. It has been built in a wonderfully short time, and for the land grant that was given to the Canadian Pacific Railway for the building of that railway and the cash subsidy we are well paid. It was a good policy on the part of the Government to give that aid, because there is a large portion of the country north

of Lake Superior through which the railway passes that is almost useless. The Rocky Mountain section again affords no profit or traffic to the railway. Therefore, while we have to pay excessive rates to the railway companies in parts of the North-West there is some justification for it. In eastern Canada we have a good railway system. Railways are built in every part of the country. Every province has railway facilities, and with water communication create an outlet for all kinds of business that is done in the country. There have also been large subsidies given to these railways. The Dominion Government has given a cash subsidy of $3,200 per mile, and the Local Government of New Brunswick has given an equal amount. That, with the convenience of getting ties and rails that enter into the construction of a railway, and the fact that labour and the cost of living are cheaper here, makes the subsidy as large under these conditions as $10,000 a mile would be in Manitoba and the North-West Territories, so that while we are getting a large land grant towards building the railways in the North-West I would not like to stop granting land subsidies until some better method was adopted, by which the building of railways could be aided in that country. In my opinion, notwithstanding the youth of our country and the different obstacles we have had to contend with and overcome — notwithstanding the scarcity of capital and the difficulty of inspiring capitalists with confidence in the country —the time has come when we should economise our resources more than we have been compelled to do in the past. I live in Eastern Assiniboia, 300 miles west of Winnipeg, and have lived there for the last nine years. I am served by the Canadian Pacific Railway ; I have the best of service from that company. We have means day and night to take ourselves out of or into the country, and transport for all the produce that we can raise, and for all that we require to bring into the country. But that service only applies to a short distance on each side of the railway. My hon. friend from Shell River has told us that a belt of ten miles on each side of a railway in that country is sufficient to produce business for it. Many hon. gentlemen will remember the admirable speech of Sir Charles Tupper upon the future of the North-West, made a few years ago, which has been quoted with so much derision but which I feel confident, if circumstances had turned out as he expected they would, every word of it would have been fulfilled before now. I say that the country within a distance of 10 miles of a line of railway in the North-West will be capable of giving that railway all that it possibly can do unless it has a double track. People have gone far back into that country from the very start, and there is where a mistake was made. I am not prepared to find any fault with the policy that was adopted. However, it was a mistake. In opening up new countries mistakes are often made. Manitoba is a large country —over 800 miles one way by 400 in another. I do not know a township in it to-day in which there is a section that is not worth $4 an acre if people will go into it and occupy it. Take any section in a block, wherever it is, it is capable of producing grain, vegetables and grass in abundance. It is a valuable country, but without a railway the land is comparatively useless. Take for instance a settler 50 miles away from the railway. His life is a blank until he can get some means to take out the products of his labour. In the early history of the country Parliament granted charters as they do to-day, without stint. Any half-dozen men — men without capital—speculative characters who came to Parliament and asked for a charter for a railway without a dollar of money in their pockets to build a mile of the road, would get it. Such men get hold of a charter without any intention of building a railway, but with the prospective idea of getting wealthy by it. I have not taken the pains to prepare myself for this occasion, as the hon. gentleman from Shell River has done, but I should say from memory that there were between 2,000 and 3,000 miles of railway chartered, outside of the Canadian Pacific Railway, in the North-West Territories, when there were not seventy-five thousand people in the whole of that country. I think it would have been a wise policy if the Government had curtailed that system and had not allowed people to get charters and have them dotted all over the map. The fact that these projected lines were upon the map induced people to go away out and settle in districts in which to-day there is no

sign of a railway. Still, there was the charter, and the line laid down on the map, and the result was that it induced people to scatter all over the country. There are hardly 20 square miles in that country in which there is not a settler living somewhere, in the hope that the railway which has been projected will eventually be built and that he will have a railway at his door. That man's life is a blank. His business is a blank, and his time is lost to himself and the country until the railway is built. I know in the district that I represented a couple of sessions in the House of Commons, that is the district of Assiniboia, there were three railways chartered across that district: Wood Mountain and Qu'Appelle, Manitoba and North-Western and the North-West Central. The south-western branch in the Souris district is now being built, but there are people who have been living there nine years in hopes of the construction of that railway being carried on. I have been abused, and coaxed and implored until my heart was sore to endeavour to induce the Canadian Pacific Railway to go on and build that railway. Eventually the road has been started and I have every hope that it will be completed this season, and these people will at least have an outlet for their produce. On the North-West Central line, 40 miles north of me, there is a Methodist colony of probably two hundred people. They went in there in the spring of 1883, on the expectation that the projected railway would be built in that direction. There is no railway there yet, and no possibility of its going there. These people are hanging on by their eyelids, so to speak. They cannot develop. They cannot go into wheat raising or stock raising, and the result is that they are simply staying there. Still there is a land grant of 6,400 acres a mile for a railway there, and that land, if the railway were built—I say it advisedly—is worth $4 an acre. The time has come, I think, when the Government should call a halt in this matter. I believe the Government are capable men. I have every confidence in them, but we are living in an age of progress, and I think we should not continue the same old system that may have been expedient some years ago. I think the time has now come that the Government should change their policy with respect to railways in the North-West. The value of the country has been sufficiently proved. We are not in any doubt as to the fertility of the soil, or the character of the climate. We know with the map before us the location of the land, and we have had actual experience of its value, and the only thing that is required to give to it its proper value is to get people in to occupy it and work it. I am not going to find fault with these railway companies for not buliding their railways. We have had frosty seasons. We have had loss of crops, and the pioneer settlers have been dissatisfied. Some of the best farmers from Ontario have gone in there and have failed in farming. I know as a fact that farmers who have gone in there with a capital of $20,000 have failed because they did not know how to till that soil and had only learned by experience when their money was all gone. They saw a great plain before them. They saw the rich character of the soil. They saw the rich grass and supposed that everything was all right, but they adopted a wrong course of tillage. They did not handle the soil as it should have been handled, and the first three or four years that one would suppose should have been years of entire success in that country, were complete failures. It was not the fault of the people. The settlers had not had experience and did not understand how to prepare the soil or when to put the seed in the ground and manage it. They have overcome that difficulty now, and they are getting on and will succeed; so that I say the character of the country has received an increased value above what it had eight or ten years ago, when the land subsidies were given, and when capitalists in England refused to grant money to railway companies to build these roads. That is the condition of things as they exist to-day, and these companies have failed to go on and construct railways and some regard must be had for the people who have settled in those districts. Still it is a hard matter for the companies to build a railway if they are not to realize their money. As has been said by my hon. friend from Shell River, Parliament voted the other day that the Manitoba and North-Western should not be compelled to build any part of their line this year, while three or four hundred Dakota settlers have gone in, and are going in, in the expectation that they will have a railway to take out their produce without it costing them more than it is worth to cart it 60 or 70 miles with horses. I say that faith has been broken with these men, because they were led to suppose that

by their charter this company is obliged to build a certain amount of their road every year. I say that when Parliament revoked that law and changed it, it was a breach of faith with these men. These settlers are subjects of a deception, if I may use so harsh a term. My idea is this : there is no doubt about the quality of the land. That question is solved, and if any hon. gentleman is doubtful let him go through that country to-day and see the prospect for an enormous harvest that presents itself. There are millions of bushels of wheat still in that country unthreshed, and stacks standing as they were put up last fall. Notwithstanding the fact that four thousand men went up from Eastern Canada to help save the harvest in that country last year, they were unable to harvest and thresh it all. Right along the line of the railway, a few days ago, I saw thousands of stacks of unthreshed wheat. Notwithstanding the enormous quantities of improved machinery that have been imported into that country, to-day you can see thousands of acres of wheat in the stook where it has stood through the winter—good grain, for I see by the papers that they are threshing it out now and that it is turning out well. Under these circumstances we may be sure that the land is good and worth four dollars an acre. My hon. friend has told you that such land has been sold at auction for five dollars an acre. Several thousands of acres of these lands were sold last year. The Hudson Bay Company asked me $6.50 an acre for about the poorest section of land in my country. It happened to be near my own land and I wanted it, and that was the price they asked me for it. The Manitoba and North-West Central Railway Company sold some land the other day for four dollars an acre, beyond where there is any railway. Now, assuming that the land is worth this much my idea would be—and I think it is a matter worthy of the consideration of the Government—that where these railway companies have had their charter a length of time and have not built a mile of road, and people are living there waiting for it, something should be done. It rouses my feelings to see people go into that country on a promise that a railway is to be built and nothing is done to construct it. If Parliament had not given a charter to this railway, people would not have gone in and located themselves along the route of it. If the Government had taken a firm stand at the start and said, "We will not give charters indiscriminately and will confine settlement to roads already chartered," settlement would not have gone away beyond these lines of railway, and the country would have been settled in a more compact form, more convenient to the settlers themselves and beneficial to the North-West. But settlement is scattered. Settlement that should be confined to the limit of one railway is scattered along the lines of half a dozen railways, few of which, though chartered, are in operation. This is a matter I consider of very grave importance, because, as I have stated, the time has come when we have proof of the value of the land. These companies have been unable, through want of capital of their own, to go on with their enterprises. Moneyed men are not supposed now to be sold by such fellows. That used to be the case a few years ago ; but it is not so now. Capitalists want to see some backbone in a company before they will lend their money. The result is these companies have been unable to get money, and they are like the dog in the manger—not able to do anything with their charter themselves—and they will not allow anybody else to have it. Now, my idea is that the Government should say to these companies, who have not earned their subsidies, "You have had all the time to build this road that you asked, and you have failed to show your ability to build it ; we will give you the land grant for all that you have built, and we will take the rest back." The land department of the Government is capable of handling it without one dollar additional expense. If the Government would just stop the land grants and give instead $1.50 of a cash bonus for every acre to these companies, that would be $9,600 a mile, and let the company bond the road, not for fifteen or twenty thousand dollars a mile, as we gave them the right to do, but for three thousand or five thousand dollars a mile; that would build the railway and there would be no stoppage. They would go on at once and build and operate the road with advantage to the people and to themselves, and the land would be sold. The Government would sell it in one half the time that a company can. I see some hon. gentlemen laughing, but nevertheless I say if that policy were adopted it would be in the interests of the country. That, I think, would be a good

policy, and not to go on and complete the whole of them at once. I would complete such portions of them as settlement required, and would pay to build. In that way the land would not be all locked up in the hands of one or two railway companies. As it is now we are told by the Department of Interior, "All the land is gone," and in a few years you will have to come down to the cash subsidy to build railways in that country, because there will be no land to do it with. The man who buys his homestead to-day is better off than the man who located 320 acres ten years ago for nothing. This giving away of our lands, even to homesteaders, is a poor policy. It is not popular in my country, and I would rather to-day go into the North-West Territories and buy a half section of land with the knowledge I have of the country at $2 or $3 an acre than to have taken it seven years ago for nothing. I would make more money and would be a greater success, because the man who goes in to-day knows exactly what to do. He does not have to find out from his own experience. He knows from the experience of others exactly how to till his land and how to get the advantage of it. The advantage of transport and other advantages that the settler now has compared with what he had ten years ago are more than equal to what he pays for the land to-day, as compared with getting it for nothing ten years ago. I am of the opinion that these lines of railway that are dotted out on the map will require other lines between them. Between the Manitoba and North-Western and the Canadian Pacific Railway there is a belt of over 100 miles. The North-West Central goes in between them, and I understand that the Manitoba and North-Western people are objecting to that railway going on. A more monstrous thing was never perpetrated by any man under God's heaven than to undertake to stop the construction of that railway. I say it is a monstrous thing for the North-West Central to be stopped by another company, who are further north and who cannot do anything themselves, and it should not be allowed by the Government. Now, I have only given these few hints, and I think they are worthy of some consideration. It would not be a tax on eastern Canada. The land there has a value, and if the land is valuable the investment is a good one. If the land is not good there is no use in building railways at all. But you have the strongest proof everywhere in the North-West of the value of the land in the fact that every man in that vast territory thinks he is living in the very best section of the country. This proves conclusively that every part of that country is good. If the Government would take this matter into consideration and try this experiment with one of the railways (I do not care which one), and hold the land and see if it is not a good investment that will pay 100 per cent in the next ten years, I think they will find that it is the best course to pursue. If it turns out otherwise I will be ready to admit that my judgment is at fault.

Hon. Mr. GIRARD—If the proposition of my hon. friend opposite were adopted it would certainly retard to a great extent the progress and advancement, not only of Manitoba, but of the whole North-West. There is no doubt that without railways the land of that country is of little value. What would lands in the section of the country through which the Canadian Pacific Railway passes be worth to-day if that great highway had not been constructed? I do not think they would be worth $1 an acre. The promoters of that great road took a certain amount of risk, and to-day they are reaping their reward. The hon. gentleman from Shell River wants an expression of opinion from the House. In my humble judgment he is wrong in his view. I am satisfied that this proposition would be disapproved of throughout the whole of the North-West, and it should be condemned by the whole Dominion, which is as much interested in the progress of the North-West as the people of that part of the country are themselves. It is to the railway companies that have taken so many risks in constructing lines through that country that we are indebted for the rapid increase in the value of our public lands. There is no scarcity of land there, and it is the best form of aid that we can bestow on these railway companies. To give the House some idea of the extent of our western territories, I should like to quote from "The Western World" the following article under the heading of "Area of Western Canada":—

"The area of Western Canada is so vast that it can scarcely be grasped by the mind except by numerous comparisons. Western Canada is generally understood to comprise that portion of the Dominion lying between that great inland sea of fresh water known as Lake Superior and the Pacific coast, and

north of the United States. Starting from Port Arthur on Lake Superior, a person can travel 2,000 miles westward before reaching the western limit of the country, while from north to south the distance is even greater.

"Western Canada comprises the two Provinces of Manitoba and British Columbia, the three unorganized Territories of Assiniboia, Alberta and Saskatchewan, the unorganized district of Athabasca, the district of Keewatin, besides a vast area of unorganized territory farther north. A small strip of the Province of Ontario, lying west of Lake Superior, is also included in the somewhat vague term of Western Canada. The area of the different divisions of Western Canada is as follows :—

	Sq. Miles.
Province of Manitoba..	73,956
Province of British Columbia	383,300
District of Keewatin..	282,000
District of Alberta...	106,100
District of Assiniboia..	89,535
District of Athabasca... ..	104,500
District of Saskatchewan...	107,092
Unorganized Region..	859,600
Northern Islands..	300,000
North-West, Ontario and Hudson Bay District..	250,000
Total Square Miles. ..	2,556,093

"This is a vast amount of territory to be sure, and the reader will wonder what the total area of Canada is, when only a portion of it reaches such figures. By adding about 1,000,000 square miles to the area of Western Canada, the area of the Dominion, east and west, will be obtained, or about 229,000 less than the continent of Europe."

With such vast possessions, we can well afford to devote a portion of the land to aid the construction of railways. The companies which build the roads take more or less risk, but the settlers take none. Whether the company succeeds or fails the lands remain and get the benefit of the expenditure on railway works. It would therefore be unwise to refuse this form of assistance to any company of good standing that is prepared to construct a railway which would help to develop the resources of our great North-West. We boast of our wheat lands, but valuable as they are we have also great mineral wealth in our western territories which has attracted the attention not only of our own people but also of our ambitious neighbours. To illustrate the rapid growth and development of the North-West since it has been opened up for settlement, let me quote another extract from the "Western World," showing the progress that Winnipeg has made. Before the construction of the Canadian Pacific Railway Winnipeg contained some twenty houses, and had a proportionately small population. Now the city of Winnipeg contains 29,182 souls, and the civic assessment is as follows :—

Real property..	$17,845,450
Personal property..	2,492,650
Land value..	11,615,130
Value of buildings.. ..	6,230,320
Total assessable property	20,338,100
Value of exempt property	4,394,240

Winnipeg has now about the same population that Montreal had when I first went to college, nearly sixty years ago. What may we not expect Winnipeg to become in the same length of time ! The rapid growth of the North-West is directly attributable to the opening up of the country by railways. There is another fact mentioned in the "Western World," under the heading of Manitoba Notes, and it is as follows : "The sales of lands of the Canadian North-West Land Company from January 1st, 1892, to May 10th, amounted to 13,300 acres, realizing $67,000, compared with 6,500 acres, realizing $35,220 for the corresponding period last year." There is another fact quoted from the Kingston "Whig," as follows : "G. K. Morton has returned from a trip to Manitoba, where he went to dispose of the property of his deceased father, the late George Morton. The property was sold for eight times what his father paid for it in 1887." While I have said enough to convince the House that while I am opposed to granting land in certain cases, I think it would be a great error to depart from the policy which has been attended with such success up to the present day, and I hope my hon. friend will not persist in seeking any further expression of opinion, but will withdraw his motion.

Hon. Mr. MACDONALD (B.C.)—I was very much struck with the strong case made by the hon. member from Shell River in favour of land grants to railways. He showed very conclusively that the land grants were not sufficient for the purpose for which they were given, and yet he wants the Government to be saddled with a debt by advancing money on those lands. It is a scheme too vast, and one which this country should never undertake. I think the most sensible policy in dealing with the North-West is to develop it by degrees. It cannot be done all at once. It must be done gradually and carefully, and by means of land grants. What the policy

of the Government for the future will be I do not know, but we are all aware that there is a large productive public domain, and what policy could be better or wiser than to invite companies or persons to go in and assist in opening up the unsettled portions of the country. The advantages to be derived from such a policy are very great. First of all, it induces capitalists to become interested in the future of the country; it brings in two great necessaries to a new country—capital and labour. If a money grant were given, the money would be taken out of the country, whereas the lands remain always a portion of the country, and are made accessible for settlement. It is true that sometimes settlers go in ahead of the railways, but they do so with their eyes open.

Hon. Mr. O'DONHOE—If the money were advanced to the railway companies as the road was constructed it could not be taken out of the country.

Hon. Mr. MACDONALD (B.C.)—The advantage of the present system is that the land remains and is not given to the company until it is earned. No doubt many hardships are encountered by settlers who go out in advance of the railways, but that is something which cannot be helped. They know what they are doing and what to expect if the railways should not be constructed.

Hon. Mr. KAULBACH—I do not know whether my hon. friend from Shell River intends to press this matter and ask the Senate to commit itself to the policy which he has indicated in his motion. If that is his intention, I must express my views as opposed to the proposition. I believe that the lands that we possess are equal to the construction of the railways that are required in the North-West, and my hon. friend has himself shown the value of these lands. My hon. friend from Wolseley has shown us that they have increased in value since they have been sold. A vast amount of money has been expended in the North-West by the Government, and by capitalists, to the great advantage of those who go in now, as compared with the position of those who went in formerly. This question of the development of the North-West is one in which the whole Dominion is interested. Every patriotic Canadian has a great pride in our great Dominion. Whenever the question comes up for the extending of railways or increasing facilities for communication in that great country, a desire is expressed by the representatives from all parts of Canada to encourage such works. We are proud of our great country, and we know that it is well and favourably known throughout the civilized world. I am opposed to my hon. friend's proposition because I think it would be unwise to commit ourselves to such a policy as he has outlined. We have been, perhaps, a little reckless in granting railway charters and in extending aid to enterprises. People have settled in remote parts of the North-West under the impression that because Parliament had granted charters for the construction of railways these lines would be immediately constructed. I think the Government should consider what aid they can grant to give such settlers access to the railway systems already in operation. The Government is bound in justice to these people to give every facility to those men that they can. If these people are driven out of the country it will deter others from settling in Canada. It is a great problem how we are to settle that country, and derive the benefit from its development that the Dominion has a right to expect. The enormous crop of last year has opened the eyes of the public, not only in Europe, but in Canada, and in the United States, to the great fertility and productiveness of our western territories, and the advantages which they offer to settlers. If the Government can devise some means to furnish railway facilities to settlers who are now without railway accommodation, without adding largely to the public debt, I think they should do so, and the country would sanction any such course that the Government might think proper to pursue.

Hon. Mr. O'DONOHOE—Too much consideration cannot be given to certain observations which were made by the hon. gentleman from Wolseley with regard to railway charters. These charters are sought frequently without any intention on the part of those who obtain them of prosecuting the work, but merely for the purpose of selling and making a profit out of them. If they sold them to persons competent to go on with the work, there might be very little objection, but when they find no purchasers for their charters, the railway projects fall to the ground, and settlers who go into the country in anticipation of those roads being

constructed are left without any railway communication. I have been told that some of those who are interested in railway charters represent to purchasers of these lands that the charter having been secured the railway facilities will be provided without delay, and that the lands are therefore worth a certain price. But how does it turn out? No railway is constructed and the charter remains a dead letter. It is an imposition on the settler, and a great injury to the country. If this debate brought nothing else to our view than that which has been shown by the hon. gentleman for Wolseley, a great deal of good should come out of it. It is with me quite a question if the Government should not revise these charters and compel their abandonment with a view of giving them to persons capable of constructing roads. The promoters of those charters should be compelled to show to the Government that there is a strong probability of their being able to do the work for which the charters are granted. I am quite satisfied that every member of this House who has heard the hon. gentleman, who is so conversant with the subject, and with the locality, will endorse his views on that particular point. As to giving land grants, I think my hon. friend from Marquette demonstrated beyond any doubt that the policy of giving aid in that form was an extremely wise one. I think he demonstrated that by telling us that these lands a few years ago were worth nothing, and that to-day they are being sold at from four to five dollars an acre. It is not the railways alone that get this profit. Does it not profit the whole country if the land has gone up at that rate; and if lands have gone up at that rate what has made them go up? The hon. gentleman from Shell River states that at a certain time the lands were entirely worthless. Now, without the land grants those lands would be in a similar position to-day. There was no possibility of making them profitable except by introducing settlers to them and that was utterly impossible without railways. That must have been seen by the promoters of these great works and if to-day these lands are worth six dollars an acre we have reason to congratulate the people on the result. Therefore I say there should be no cessation of land grants, but in making them it should be under conditions that will secure the construction of the road in the interests of the people, and if done in that way nobody should object to them. My hon. friend from Wolseley stated that he to-day would rather pay $1.50 to $3.00 an acre for lands to settle upon, than eight or ten years ago get them for nothing. That is a high compliment to the system adopted. They would remain forever in the position they were in ten years ago if people waited until they were able to pay for them, and if no person could go into those lands but those who were able to pay for them—even if to-day no person could get these lands except by paying for them, as my hon. friend says, how many people would go in? The true principle is adopted of giving them to actual settlers and providing roads for settlers who are a source of production, and if the land has all the resources that are claimed for it they can only be developed by the people and you can only have the people by means of the railway.

Hon. Mr. CLEMOW—This is a subject, of course, of vital importance to the entire Dominion. The lands of this North-West belong as well to the people in the east as they do to those in the west. If the policy enunciated by my hon. friend from Shell River had been in force at the time of the construction of the Canadian Pacific Railway would that great enterprise have ever been constructed? If the Government had been called upon to make an advance of $1.50 an acre, equivalent to $37,500,000, it would have been considered so vast an enterprise that the people of this country would not have agreed to it. But the people, finding that they were merely asked to dispossess themselves for a time of a portion of the lands of the North-West, for the purpose of making that country inhabitable, they willingly concurred in the proposition that the Government should give a subsidy of land as well as of money. It may be true that charters have been given to parties who have not carried out their contracts in good faith, but that is no cause of complaint against the principle. If the principle is correct then I say that the Government have acted the proper part in the past, and if they found it to be a good policy in the past, I have no doubt they will find it equally so in the future to an increased extent. It is all very well to say at present that these companies have not been able to carry out their arrangements, but we all know that difficulties have arisen in the financial centres

of Europe which have rendered it almost impossible to float any large financial enterprise; therefore it is no argument that the principle under consideration is an erroneous one. What was the value of that land at the time the railway was under consideration before? It was really worth nothing. We are told that there was not sufficient land in the North-West, in the evidence given before a commission in England, to support a crow. No man would have known the value of that country to-day, and what would its value have been but for this great railway enterprise? Many men have invested their money in these enterprises with the idea that these lands will become valuable in some future day. I have no doubt they will, and I have no doubt that the capitalists of England would prefer to hold these lands for the specific purpose of having them settled upon and eventually having a profit from them, than receive from the Government $1.50 an acre for them now. Railway companies are the best immigrant agents we have. They have proved to be the best colonization agents in the United States and I do not see why they should not be as successful in this country. We have only tried it a very short time at any rate. Only some seven years have elapsed and we find fault with it and want to reverse the system that has been inaugurated and that has been found to work so well in the United States. I say it is an astonishing fact to see what progress has been made in our North-West Territories in the short space of time. Supposing the Government should adopt the policy of taking over this land and holding it for sale themselves it would be surrounded with so many difficulties and expenses that the whole amount would be eaten up. I know, as a matter of fact, that the Ontario Government have been keeping on their books for years lands that are paying only forty or fifty cents a year rental. They would not sell them or convert them into cash because they had the idea that the clerks who keep these accounts and who were in the employ of the Government for years would be thrown out of employment and would not know what to do to make a living in the future. The late Hamilton Merritt made a calculation some years ago that the lands held by the Government were a source of loss instead of being a source of revenue on account of the expenses connected with the custody of them. Therefore I do not think the Government could manage these lands in the North-West as well or as economically as the railway companies can. I know myself, as a matter of fact, that there are parties in England to-day who have thought that if these lands could be transferred to them after the railway was in operation they would prefer holding them as security and advance liberally upon them, forming themselves into land companies for the purpose of sending out settlers to this country. I believe there was a project on foot at one time for colonizing the North-West in that way; but if the railway company had no interest in those lands the people in England would say: "There is no use in our exerting ourselves to take out settlers, as we will not have any benefit from it. The Government will have everything in their own hands." There is an immense quantity of land yet to be disposed of by the Government, and I think if they apply themselves judiciously and continue the system that is necessary for the purpose of opening up and settling the country by railways it will tend to the rapid development of the country. Unless we open up that country by railways and facilities are afforded for settlement the people will not go upon those lands at all. It is now very different from olden times when people came out to this country to settle, and travelled through it at great disadvantage, and risk and privation. Men will not do that now. They will not undertake these difficulties and troubles as they did in the olden days. They want to be transported in easy carriages, and even now they are not prepared to travel in the ordinary second-class car, but require special colonization cars.

Hon. Mr. PERLEY—They get poor accommodation on the North-West Central.

Hon. Mr. CLEMOW—I have no doubt they do; but I am told that that is one of the best constructed roads in the North-West—that the road bed is equal to anything that can be had—and you must give the company credit for one thing; since they made their arrangement with the Government they have run their road under all the difficulties attending the situation, and have served the country well. The people are well disposed towards them, and I only hope the company will be able to continue their line of construction, for the people in England are anxious to do

it, and if the difficulties are overcome I believe they will carry their road to completion. It passes through a fertile section of the country, one of the best in the North-West, and we think the company is doing very well.

Hon. Mr. PERLEY—The people do not think that.

Hon. Mr. CLEMOW—I do not know what the people think, but if you take a poll of the people of the North-West I think they will tell you that without these land subsidies the country would not be what it is at the present time. A great many of the roads that have been built have been constructed upon the strength of the subsidies, and in no other way would they have been built. All you have to do is to continue that course in the future, of course providing all the safeguards you can to have the contracts carried out in good faith; but to shut down now, and to say there are to be no more land grants to railway companies, you may as well intimate to the capitalists and to the people who are interested in the construction of railways, "Gentlemen, we have no further need for you. We have no further lands to give you, and the Government will never agree to encumber the resources of this country by subsidies of cash." The lands were obtained in the first instance for a nominal consideration, and the object was to have them settled up at as early a date as possible. The Government have succeeded very well so far and they will succeed as well in the future, but do not let it go abroad that the people of this country are going to adopt a policy different from that of any other country that I know of. The Americans have given away nearly all their lands to railway corporations. I do not hear that the people object to it. I believe they wish they had more to give. The lands have been well managed, and the parties who built the railways have received remuneration for them. So much the better. Under all the circumstances, private companies can manage land far more economically and can settle them to far better advantage than any Government. This Government is a model Government and probably they might do it very well; still I think they have enough to do and they should not be burdened with any more duty than they now have on their hands. If you settle the country, instead of thirty-five million bushels of wheat for export you will have in the future years double that amount or probably more, and Lord Salisbury may then be able to say, "We will give you some advantage for your surplus grain that you are able to export to England." I did not intend to say anything upon this subject, but it is one of vital importance, and I think it is well to put a few practical facts before the House in order that you may judge of the disadvantages that would accrue to the country if the proposition of the hon. gentleman from Shell River was adopted.

Hon. Mr. POWER—There is no doubt that the hon. gentleman who has just sat down is sufficiently positive in his views. The fact, however, that the hon. gentleman is not altogether a disinterested witness will influence our consideration of the facts he has put before us. I do not understand very well the course that the hon. gentleman from Shell River proposes to adopt. As I understand the hon. gentleman from Wolseley, his proposition is that the Government should not cease to assist railways in the North-West but that the form that the assistance should take should be different. The hon. gentleman from Wolseley pointed out with remarkable clearness, and the statement coming from a practical farmer like him had a great deal of weight, that the country would make a very large gain by holding the land and giving cash subsidies for the construction of such railways as may be deemed absolutely necessary in the interests of the North-West country. It may be remembered that we had, during the last session, some discussion in the House on the subject, and I think the weight of opinion seemed to be that there were already enough railways in course of construction—or at any rate there were enough railways entitled to subsidies in the North-West for the present, and that it was not necessary to undertake the construction of many more railways for a little while, until the railways which are under construction had been completed or had made very considerable progress; that those railways would open up a very large tract of country, and that when those tracts of country had been fairly well settled it would be time enough for the country to enter upon a further scheme of railway construction. My impression is also that the feeling of the House last year was that

by that time the North-West would be in such a position that it would not be necessary perhaps for the Dominion to undertake to give any very large assistance to the construction of railways in that region. Reference has been made by the hon. gentleman from Shell River to the prediction which was made a good many years ago by the present High Commissioner in England to the immense returns which Canada would receive from that North-West country, from the sale of the lands, and the predictions of the present High Commissioner, if I am not mistaken, were almost identical with the predictions made by the late Prime Minister. The views expressed by both of these hon. and distinguished gentlemen were that in a comparatively short time the sale of the lands in the North-West would more than recoup the country for all the expenditure in connection with the Canadian Pacific Railway. Up to the present time, or up to about a year ago, the country had received no return. I think that up to a year ago the expenses in connection with the North-West lands had been rather in excess of the returns. If one can trust the evidence of the hon. gentleman from Wolseley, and the hon. gentleman from Shell River, and my hon. friend from the Rideau Division, that state of things has changed, and lands which some time ago were worth almost nothing are now worth somewhere from three to six dollars an acre. I think myself that when it becomes necessary to subsidize any further railway construction the wiser plan would be for the country to pay money subsidies to secure the construction of those roads rather than to give large land subsidies. As the hon. gentleman from Wolseley has pointed out, a comparatively small cash subsidy would do rather more to secure the construction of a road than a large land subsidy, and the statement of the hon. gentleman from Wolseley is borne out by the facts. We have numbers of those railway companies who have had sufficient land grants, and have succeeded in doing almost nothing with these land grants. I do not know how many miles of the North-West Central road have been built, but I do know that the company have had a charter for years, and the railway construction in that part of the country is cheap and easy, and there ought to be a very long road built now if this land grant system was the proper one to adopt. I was rather surprised that the hon. gentleman from Shell River should have discussed this question as one which had not in any way been settled, because I see that in the other House the Minister of the Interior who is charged largely with the Government of the North-West country stated, in reply to a question, that it was the policy of the Government to discontinue making these grants. I do not mean to say that the Minister of the Interior did not propose to make the grants to the companies who are entitled to them, but he stated quite distinctly that it was not the policy of the Government to continue the system of making these large land grants to railway companies, and I for one was very glad for once to agree with the Government.

Hon. Sir JOHN CALDWELL ABBOTT—As my hon. friend opposite has pointed out, the policy of the Government in respect of these large land grants is modified, and is necessarily modified, because a very large proportion of the lands which have been set apart as available for railway subsidies have been appropriated to that purpose, and, at present, as I understand, there is no great area of the land available for railway grants, free from some kind of appropriation, promise, or pledge, as respects existing railways. But the policy of making land grants at all seems to have been the principal subject matter of the discussion to-day, and some hon. gentlemen have, although I must say not very strongly, found fault with the system which has prevailed hitherto in respect to those land grants. At this period of time, of course, it is comparatively easy to say what ought or ought not have been done eight or ten years ago, when the whole matter was a novelty to the Dominion—when one could scarcely imagine what the circumstances would be in this year of our Lord, from any point of view. It was at that time gravely discussed whether the period for construction should not be doubled; whether a larger subsidy would not have to be granted in order to have a railway at all—when as a matter of fact one of the subjects of dispute between the contractors and the Government was whether they should be compelled to run a train over the track once a day, or once a week, or once a month! I mention this merely as indicating the difficulties under which this system of encouraging railways in the North-West was framed and acted upon.

Of course to-day we stand on an eminence, we can look down on what is past, and every one can criticize what has been done; but whether the hon. gentlemen who criticize to-day would have been able to hit upon a better sysem of establishing railway facilities in the North-West than was adopted by the Government of the day is very doubtful indeed. It is not my purpose to enter upon a defense of the policy of the Government in that respect; but I think I am justified in referring to the results. My hon. friend from Wolseley has given us information to-day of the comparative value of the land now, and the value of it a few years ago. It must be remembered that it is only a little over ten years since a railway was first seriously undertaken through the North-West, but he says, "I would rather have land now and pay $3 an acre for it than have taken it for nothing three or four years ago." And why? Because the policy of the Government of the day has been such that access is now had to that country by means of railways; because under that policy the principal element of increased vaule in those lands was that accessibility, and the principal factor in constructing these railways was the land grant.

Hon. Mr. PERLEY—No; the reason I assigned for it was that the people understand how to work the land now better than they did in the beginning.

Hon. Sir JOHN CALDWELL ABBOTT—I think I can quote my hon. friend's remark that there was no use in cultivating the land better, for there was no way of getting the produce out. "What is the use," he said, "of raising hundreds of bushels of wheat, while the people are hanging on by their eyelids because they have not got railway connection?" That is the true reason no doubt, and no doubt the better knowledge of farming in the country follows from the fact that people living there have found out how they are to produce crops and make their living there; but the people came to live there, and to find out how to farm properly in that country in consequence of the construction of the railways that were built mainly through land grants. Hon. gentlemen have found fault with the granting of lands to railway companies, which have not constructed their roads. That, of course, should have been avoided as much as possible. Other people say that the Government should not give these companies charters unless they show that they are competent to carry out their undertakings. The Government does not give them charters; it is Parliament that gives them charters, and hon. gentlemen who have been in the House of Commons know very well that very often the experiment has been tried of requiring plans and specifications, and information as to how the company was going to carry on the work, but these efforts have always resulted in failure, because the influence of people who desire to have railways, upon the members of the House, has been too great, and it has been found impossible to enforce rules which have been time and again made by the Railway Committee of the other House, in order to get more information before the charters are granted. But I maintain that there is no fault to find with those who grant these charters, because, practically it is impossible to grant charters in such a manner that every one of them will be implemented and enforced. But we administer the best possible corrective to the granting of charters too freely, and it is this: if any other company desire to build the line, and come forward and show that the company who got the first charter have not performed their duty under the terms of their charter, sooner or later the second company will get a charter to build over the same line of road. For instance there was a charter for the Ontario and Quebec Railway. The first company failed to carry out their undertaking. The application of the second company was resisted because there was a charter over the identical ground which they desired to occupy. It was shown that the first company had not availed themselves of the privilege which they had, and although on one occasion the application of the new company was refused in order to give the first company an opportunity of showing their good faith, at the end of the year the existing company was chartered. So that the fact of these charters being freely granted is not an irremediable evil in our legislation. It can be cured by giving to other parties the privilege of doing the same work when they find that the company first chartered are not performing their duty. Under this system what have we in the North-West? We have first the Canadian Pacific Railway, which is largely indebted for its existence to the prospect of its land grant-

The company made its first issue of bonds a most successful issue upon the strength of its land grant alone. We have in addition to that, numerous railways, some running parallel to the Canadian Pacific Railway, most of them running north or south in to the country, the Canadian Pacific Railway being the great artery which carries all the freight and traffic of these railways to and from the seaboard. These railways running northward and southward are opening up the country in a great many directions. It is to the land grant that we owe the Manitoba and North-Western Railway, which my hon. friend denounced in such strong language a few minutes ago. Of that line 210 miles have been built through a country which is well settled now, and is being rapidly filled up. That is a benefit. It is true the company have not built their 20 miles this year; that is not an unpardonable sin. They did not try to keep the North-West Central out of all the towns mentioned by my hon. friend, but only out of Birtle, which my hon. friend mentioned, and that is the only quarrel between the two companies. They have no objection to the North-West Central trying to go on, and have no intention to try and stop them. The Manitoba and North-Western Railway Company have built 210 miles of their road and are trying now to build the other 216 miles and complete the line to Prince Albert. They have not been able this year to raise the money to build the 20-mile section; that is their misfortune, not their fault, and they should not be blamed; especially when we know that the whole of the outside capital that has been brought into that road, exclusive of what has been raised on its land grant, was procured and paid by the promoters themselves—one of the wealthiest firms in the Dominion of Canada. The road has been, up to the present time, faithfully pressed on by the addition of a larger proportion than in the case of almost any railway of the Dominion, of private capital put in by the promoters, and if we have granted an extension of time for the building of the 20-mile section, the Government holds in its hands the control of their land grant and the company will get no extension of time for the construction of that 20 miles or any other part of the line until they satisfy the Government of their ability to carry on the project. Then there is the North-West Central, which has built 50 miles, and I hope it will build more. My hon. friend from Ottawa promises that it will. At all events, there are 50 miles in operation, running into new territory. There is the Calgary and Edmonton and the Long Lake Railway of the same character. These roads are all built and depend for their existence on land grants.

Hon. Mr. POWER—Will my hon. friend excuse me: I think the Calgary and Edmonton has a money grant as well as a land grant. The point which the hon. gentleman from Wolseley was trying to make was that a sum of money much less than the value of the land would be better than the land grant.

Hon. Sir JOHN CALDWELL ABBOTT—I am speaking generally of the policy of granting lands in aid of railways, which is the policy that has been disputed. The Calgary and Edmonton have no money grant. It is true, a contract has been made with the Government for the payment to them of a certain sum of money annually, which is to be repaid by the company in services, as far as they go, and otherwise in any way they think proper, but to be repaid; and as security for that repayment their land grant is mortgaged. So also with the Long Lake Company. A certain amount of money has been contracted for with the company and it is to be repaid by services which the company is bound to render, and if they do not render it, in that way, which they must pay. And this is secured like the former. This incidental allowance made by the Government on the contract is being used as a guarantee fund by the company, by means of which they have been able to raise money on their bonds. The result of the policy, therefore, in a rough and ready way, of granting these lands has been the construction of railways which have been essential to the progress of the North-West, and more than that, which have succeeded in producing all the progress there has been in the North-West; and in producing precisely the state of things which my hon. friends from Wolseley and Shell River have been alluding to, namely, great increase in the value of lands, and no doubt also to a very large extent in the population and the prospects of increased population; which, I am happy to say, appear to be booming this year, in the way of further immigration. The policy, therefore, whether perfect or imperfect—most probably it was imperfect since

it was human—has produced what development the North-West shows. Without it there would have been, and could have been, no such development, and therefore I maintain that the policy is not to be condemned because it is possible, and it is the fact, that certain companies have not performed the obligations on which the land grants were promised. I think my hon. friend from Toronto, whose speech was characterized with that strong good sense which we know he possesses as a rule, in one respect was in error in discussing the evils of the land grant system. He spoke of persons who had obtained these land grants and charters for building railways having got people to buy and settle upon their lands under the promise that they should have the railway, and after having deceived them into purchasing land 50, 60 and 100 miles from the railway, did not build the road at all, and these poor people were settled on the railway grant, and the railway grant had been absorbed by the railway company without the construction of the road. My hon. friend must perceive that that is an utterly impossible state of things—it could not exist, because the companies do not get the lands until they have constructed the railway.

Hon. Mr. O'DONOHOE—I stated it upon a statement made to me by others—not upon my own authority.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend did. I remember that perfectly, but the statement was made. It is not an uncommon thing for statements to be made and reported, based upon prejudice or insufficient information. In the present instance it is perfectly plain that the state of things which my hon. friend described could not exist, because it is absolutely necessary that a certain section of the railway shall be built before any portion of the railway grant can be conveyed to the railway company that applies for it. I understand very well that the remark would in one sense apply to what has been stated with regard to the Manitoba and North-Western Railway Company. They have been most industrious in bringing in settlers, and that is one of the great advantages that we derive from these grants to railways. The railway companies become land agents, and bring in settlers as fast as they can. It is necessary for them to do so, because until they have their land settled they can get no traffic for their roads. In this instance these people, I have not the slightest doubt, in the best possible faith procured the settlement of a number of people from the south of the line, upon lands beyond their present terminus, in the hope and expectation that they could go on with their railway. They failed to do so this year—at least so far as we know. It may be that no more of the railway will be built this year, but unless measures are taken for the building of the railway either this year or next year, in conformity with the provision of the charter which these gentlemen have, the land grant will not be available to them for the further portions of their railway. The conditions have to be performed; people have to be served or the land grant will remain at the disposal of the Government for other companies who will perform the obligations which their charter imposes upon them. I do not know that it is necessary to dilate further on this subject. Most of the hon. gentlemen here know just as much, or many of them more than I do on questions like this, but I should like to say a word or two on this project of my hon. friend behind me. I thought when he put his motion on the paper that this was a project of economy, that the Government was to stop expenditure even in lands, but it turns out that my hon. friend wants to make the Government a gigantic promoter of railways generally in the North-West, taking the position of holding the lands which these companies might otherwise have, and giving them the price of them, or at least putting the price of them, namely $50,000,000, in the hands of commissioners which is to be procured by the sale of 10,000,000 acres of land which are now granted to railway companies in the North-West, and which have not yet been earned. Where is the Government to get the $50,000,000? Does my hon. friend propose to pass an Act of Parliament to compel capitalists to come in and buy those lands immediately, and pay $50,000,000 to the Government? I do not know where the capitalists could be found to do that, but it is only by some such means that $50,000,000 could be obtained for 10,000,000 acres of land. The country is full of people who were members of land companies holding lands who could not sell them, and who broke down and were unable to realize even the cost and expenses of management of their lands. At this moment the stock of the Great North-

Western Land Company is 20 per cent below par, and I venture to say at no period of their existence up to the present moment have they sold enough land to justify the position their stock now holds. It has its value more on what they hope to do than on anything they have done hitherto. The idea of valuing land at so many dollars per acre, and assuming they represent so much cash to commissioners, or any one else, is a pure fallacy.

Hon. Mr. BOULTON—I was told by a good authority that the cost of managing the lands that the Premier has referred to was entirely borne by the sale of town sites.

Hon. Sir JOHN CALDWELL ABBOTT—I do not know what that has to do with my statement, except to confirm it. If any land is to be sold it is town sites at railway stations. My hon. friend brings the strongest confirmation that could be adduced of the correctness of what I say. He says they pay their expenses out of the sales of town sites. What other funds have they derived from their lands I should like to know? I think in the course of eight years they have paid 5 shillings back as the net proceeds of the sales they have been making up to this time, and their condition is such that their stock is fluctuating between 75 and 80 per cent., and has been down to 32, 33 and 34 per cent of its value. Why? Because though they had three or four million acres of land, which, according to my hon. friend's scheme, ought to be worth in their hands as cash $15,000,000, they cannot sell enough to pay dividends to their shareholders. I do not know another company that has done as well as that company; most of them have become bankrupt. Some of them hold lands now at the expense of stockholders in England, whose capital was obtained on calculations like that of the hon. gentleman. They hope some time to get their money out of them. I hope they will, and I think it is probable that they will; but the quantity of available land is too great to enable extensive sales to be safely made. The idea of regarding so many million acres of land as representing five times as much cash to guarantee the construction of railways, is on a par with the calculations of the maid who carried her eggs to market as to the number of chickens she would have, and in whose case an accident, which one might suppose is equally obvious under my hon. friend's scheme, destroyed her calculations in a moment. But when my hon. friend has raised this fund of $50,000,000 he proposes to use this money in guaranteeing the bonds of the railway companies. Of course they must pay the interest on the bonds themselves. My hon. friend would not propose that the Government should pay the interest. It is probable they would get more for their bonds than they do now, and my hon. friend proposes that they should pay off these bonds or create a fund to recoup the Government for any expenditure they might make, by a tax on the gross receipts of the railway. What kind of a fund would that be? The percentage on the gross receipts of many of these railways, with the exception of the Canadian Pacific Railway, would not amount to much. I doubt if many of those which run north pay their expenses. I venture to say that the largest of the whole of them does not pay more than current expenses, and that the interest has been largely paid by the promoters, whose capital has carried it on up to the present time. By and by I think all those railways will pay, and pay well, and I hope by and by they will be largely assisted in paying off their bonds by the proceeds of the land grants they have got, and which have given them the credit to enable them to raise the money to build the roads. But that day is not now that they could afford to pay 3 per cent. out of their gross earnings (after paying the interest on their bonds) towards creating a fund of the kind my hon. friend has referred to. I think I also heard a suggestion from my hon. friend opposite of a money grant—instead of giving to the company 6,400 acres of land my hon. friend suggested that we should give them $1.50 an acre and take the lands. That is a project not quite so extravagant as that of my hon. friend from Shell River; but it is in the same line, and we have an admirable example of what that might result in from the action of the Manitoba Government. The Manitoba Government advanced only $1 an acre, and there is a big arrearage in the Manitoba books, although by the stipulation they made with the company they were to get the proceeds of the sales of these lands. I know as a fact that one of these companies has not paid interest to the Manitoba Government on these bonds for

some years past. My hon. friend would give, not $1, as the Manitoba Government did, but $1.50—that is, $9,600 a mile. The usual grant that has been made up to this time in the shape of money, especially in the Eastern Provinces, has been $3,200 a mile, and with the exception of the recipients, there is a great deal of complaint as to the amount of money spent in that way. If that is to be multiplied by three, I do not know what Mr. Foster would say to-day, or what the taxpayers of this country would say if we should take an asset like these land grants, when we have at least the half of the entire North-West at our disposal to-day, excepting what has been sold out of it. My hon. friend would have us take these 10 millions of acres from the companies who received them and advance $1.50 per acre on them, when we have tens of millions of acres of our own for sale. My hon. friend says you can put them up for sale, and get $5 an acre for them. Those that are sold at $5 an acre are not, as a rule, the lands that have been granted to railways. The lands granted of late years have been on the routes of projected railways on which not a single spade full of earth has been removed for their construction, and which there is no immediate obligation to build because they are not necessary for the moment.

Hon. Mr. PERLEY—I would not advance to those.

Hon. Sir JOHN CALDWELL ABBOTT—But my hon. friend would have us put on the market at auction, say ten million acres of land, a great deal of it lying above the fifty-third parallel. We should find ourselves in a very poor position in the way of realizing cash from it, and the fund which my hon. friend expects to create would very likely evaporate in the auctioneer's fees and advertisements in respect to a great deal of that land. I have the greatest respect for my hon. friend from Shell River, and his opinions, but he changes them too quickly to give them the absolute weight that they otherwise would possess in my mind. It is only five or six months since my hon. friend himself was an applicant for one of those land grants which he finds to-day so objectionable. I suppose he would prefer to have the lands sold or taken over at $5 per acre, and the Government give him an equivalent at that rate for the 6,400 acres per mile which he expected to get. I do not know what his views may be, but I merely mention this as instancing that while one attached all the weight possible to opinions from a member of this House, still if the hon. gentleman one day approves of the land grants and desires to participate in them, and the next day comes forward and moves a vote of want of confidence in the Government to restrain them from giving land grants to the most meritorious projects in the North-West, we cannot attach the same importance to his opinion. I say it without offence to my hon. friend, but I cannot attach the same importance to his opinions when I find that he varies them so rapidly as he has done in this particular instance. The policy of the Government may be practically stated, not to abstain altogether from giving land grants as aid to railways in future, but to modify materially the policy acted upon by a previous Government. While the country will have confidence in that statement, since we gave a practical demonstration of it by abstaining altogether from making grants last year, I think the country and this House will allow us that kind of discretion which we think should remain in our hands, to aid in a moderate degree any such line of railway in the North-West Territories as we may think absolutely deserving of assistance and absolutely necessary for the district through which it may pass. And moreover, it is very probable—I state it without any hesitation—that a large amount of the railway land grants which have already been made to railways will fall in, from the fact of the railways not being constructed within the time fixed by law, and those grants will not be extended unless on absolute proof to the Government that the people to whom they were appropriated in the first instance are able to go on with the work in a proper manner. There are some land grants which it may be in the interest of the country to appropriate to other companies in the same section, where good faith is largely involved in giving people settled there the exit for their produce which they expected when they left the country from which they came. To restrict the Government in this respect, considering the course they have pursued since I have had the honour of forming part of the Cabinet, would be too severe a declaration of entire want of confidence in the Government to be adopted by this House.

Hon. Mr. PERLEY—The House will remember that I declined at the start to second the resolution of my hon. friend. I do not approve of abandoning the policy of land grants. I have approved of the policy of the Government up to the present time, and I want to show the House that when that land grant was given to the Canadian Pacific Railway the land was of no value. It only became valuable after the railway was built. I have shown now, by the experience of the people, that the land is becoming valuable, and still these smaller companies have been unable to go on and construct their roads. For instance one company has done nothing at all. I said it would be a good investment for the Government to keep these lands and advance the money as the necessities of the country required it. If the railways cannot go on the people will suffer, and if you take the land grants from them no other companies can go in and extend their lines.

Hon. Mr. CLEMOW—Oh, yes.

Hon. Mr. PERLEY—You must encourage those people who have begun the road to build it, and I hold they should be encouraged and assisted. I stated that I approved of the policy of the Government, and I would not second the resolution of the hon. gentleman because it reflected upon the policy of the Government.

Hon. Mr. BOULTON moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Friday, June 3rd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

INLAND REVENUE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (71) "An Act further to amend the Inland Revenue Act."

(In the Committee.)

Hon. Sir JOHN CALDWELL ABBOTT—On enquiring fully into the purposes and operation of sub-section 2 of section 2 of this Bill I am not satisfied with it, and I am disposed to ask the House to strike it out of the Bill and to make further changes.

Hon. Mr. VIDAL, from the committee, reported the Bill with amendments, which were concurred in.

DOMINION MILLERS' ASSOCIATION BILL.

SECOND READING.

Hon. Mr. READ (Quinte) moved the second reading of Bill (70) "An Act to incorporate the Dominion Millers' Association." He said: The object of this Bill is to incorporate the millers of Ontario with a view to improving the manufacture of flour and meal, and generally the business in which they are engaged. It has received a good deal of attention in the other House, but perhaps it would be none the worse to carefully look through it here. Although I have the Bill in charge I am not prepared to say that I am committed to all its details. However, the Bill can be carefully considered by the Committee on Banking and Commerce, to which I propose to refer it.

The motion was agreed to, and the Bill was read the second time.

GENERAL INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (N) "An Act to further amend the General Inspection Act." He said: This Bill makes one or two minor changes in the mode of inspection and it adds to the list of articles which may be subject to inspection, apples. The minor details we shall have an opportunity of discussing, of course, in Committee of the Whole. It is not improbable that when the Bill reaches that stage I may ask the House to add one or two other articles. There is some discussion now as to the propriety of inspecting butter—not compulsory inspection, of course, but inspection subject to the pleasure of the dealer.

Hon. Mr. MACDONALD (B.C.)—Is canned salmon among the articles subject to inspection?

Hon. Sir JOHN CALDWELL ABBOTT—I think not. It is not among the articles that have been suggested, but I shall put over the Bill until the middle of next week in order that dealers throughout the country may make suggestions as to other articles that they

might desire to have inspected. I am not aware that cheese is among the articles to be inspected and I dare say it might be advisable to add canned salmon, as the hon. gentleman from British Columbia has suggested. In all those cases there is no compulsion; people can obtain inspection of their various wares or not as they please, but there is no doubt that the fact of inspection will give a character to the products of the country which they would not otherwise receive. When the Bill comes up in committee I shall probably have something to propose in that direction.

Hon. Mr. KAULBACH—I suppose the inspection of apples is also optional?

Hon. Sir JOHN CALDWELL ABBOTT—Entirely optional.

The motion was agreed to, and the Bill was read the second time.

OTTAWA CITY PASSENGER RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (16) "An Act respecting the Ottawa City Passenger Railway Company." He said: This is a Bill to amend the Ottawa City Passenger Railway Company's Act. This company originally had a perpetual charter and the motive power was horses. The company now ask the privilege of substituting electricity, which is considered a great deal better. This Bill has undergone a very strict scrutiny in the lower House and has been subject to close revision by the Commons committee. All the conditions are complied with as far as provincial and municipal interests are concerned, and I think the parties are now satisfied with the Bill as it stands. There is no doubt that this will be a great improvement, as electricity will be the motive power in the future, consequently there will be no objection to giving the company the powers they ask.

The motion was agreed to, and the Bill was read the second time.

BUCKINGHAM AND LIEVRE RIVER RAILWAY COMPANY'S BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon Mr. CLEMOW moved concurrence in the amendments made by the House of Commons to Bill (H) "An Act to incorporate the Buckingham and Lievre River Railway Company." He said: The first amendment is that the head office of the company shall be in the city of Montreal, or some place in Canada, instead of in Great Britain. The next amendment is to strike out the clause giving power to construct a bridge across the Ottawa River, inasmuch as notice had not been given that such power would be applied for, and the Commons considered it fatal. The next amendment is to reduce the capital tock from two millions to one million dollars. The next amendment provides for the time of the annual meeting, and the next is that there shall be nine directors of the company. The last amendment is that the company are only allowed to enter into an agreement with one other road, the Canadan Pacific Railway. They had included other companies, but that was struck out by the committee in the lower House.

Hon. Mr. POWER—In respect to the last amendment I cannot see any reason why the power to amalgamate with other railways should be limited to the Canadian Pacific Railway. We passed a Bill the other day which authorized a company to build a line from Winnipeg to the Bay of Seven Islands, which would pass to the north of the terminus of this road, and I do not see why this company should not be allowed to make an agreement with that company as well as with the Canadian Pacific Railway. Then there is another reason why the company should be allowed to enter into agreement with other companies. As I understand there is another company in the act of constructing a railway on the south side of the Ottawa River, and it is expedient that this company should have the right to make arrangements with the company on the Ontario side. I can see no reason why that amendment should be made.

Hon. Mr. CLEMOW—I suppose the reason is that inasmuch as the Commons have struck out the power to construct a bridge across the river there is no necessity to give power to connect with railways in Ontario.

Hon. Mr. POWER—Although the bridge clause is struck out there is no reason why arrangements should not be made between the two companies to have a ferry across the river.

Hon. Mr. CLEMOW—It is not very likely in that section of the country. The promoters

of the Bill are satisfied. In fact I would rather have had the Bill as it was, and that the company should have the power to build the bridge across the Ottawa, but in the other House they considered, as no notice had been given, it was a fatal objection.

Hon. Mr. DICKEY—These are amendments made to a Bill which originated in this House, and the Commons exercising the same right to criticise our legislation as we do in criticising theirs, made these amendments, and I propose we should treat them in the same way as they are generous enough to treat us. During this session a great many Bills have come up from the other House, and we have found occasion to make several amendments to them, yet the House of Commons have generously treated us by accepting every one of our amendments without reservation. I think, therefore, we should not be outdone in courtesy, and we can afford to concur in all these amendments made by the Commons.

Hon. Mr. POWER—I think we are generous enough when we agree to accept eight of the nine amendments, and if we could not accept the last it is because we think it is not an amendment. I am surprised at the hon. gentleman from Amherst undertaking to lay down a doctrine here that is calculated to take away from the independence and usefulness of this branch of the legislature.

Hon. Mr. SCOTT—I rather think the reason for the promoters introducing the bridge clause was with a view of bringing it before this Parliament. The connection with the Canadian Pacific Railway, however, gives that power. It is a local road running to the mines north of Buckingham, and their natural connection is with the Canadian Pacific Railway, as that is the only railway in that particular locality

The motion was agreed to, and the amendments were concurred in.

BILLS INTRODUCED.

Bill (87) "An Act respecting the Montreal and Maskinonge Railway Company." (Mr. Bellerose.)

Bill (65) "An Act to incorporate the Burrard Inlet Tunnel and Bridge Company." (Mr. Macdonald, B.C.)

Bill (83) "An Act respecting the Chignecto Marine Transport Railway Company (Limited)." (Mr. Dickey.)

LAND GRANTS TO RAILWAY COMPANIES.

DEBATE CONCLUDED.

The Order of the Day being called, resuming the adjourned debate on the motion of the Hon. Mr. Boulton—

That, in the opinion of this House, the time has come when bonuses of land grants to railway companies, in Manitoba and the North-West Territories, should cease.

Hon. Mr. BOULTON said: I am afraid yesterday afternoon that I failed to impress my views upon some hon. members of the House with regard to the position that I have taken in the notice I have on the Motion Paper, and I take the present opportunity of replying to the few criticisms that were passed upon my resolution. I wish it to be understood that I feel that it is necessary to assist railway companies in some way or other; but the ground I take is that 6,400 acres per mile 10 years ago was not worth as much as 2,000 acres of land is to-day, in consequence of the development of the country, and therefore if enconomy could be exercised, and a saving could be effected by reducing the land grants, or substituting the aid which it is necessary to give in order to secure the greater development of the country, a great benefit must accrue to the Dominion at large. That is the position I take. The hon. gentleman from Assiniboia, who resides in the interior of that country with me, has also expressed his experience as to the value that lands have obtained since the construction of the Canadian Pacific Railway and other railways. If the land grants of 10 years ago were then considered a fair equivalent in order to develop new territory, and if in consequence of the development of the country the land has increased in value, a smaller amount of land is equivalent to the aid given to these companies some years ago. That is the position I take with regard to that. The proposition that I made to substitute in place of a land grant an endorsement of the bonds of the company is only carrying out a policy that it was found necessary to adopt in order to assist the Canadian Pacific Railway Company. It is fresh in the minds of the House that the Canadian Pacific Railway Company would have failed to construct their great line if the Government had not come forward and endorsed their

bonds—endorsed land grant bonds and guaranteed stock and endorsed bonds to the extent of $30,000,000. It was found necessary to do that in order to assist the Canadian Pacific Railway Company. Has that endorsement cost the country anything? Not a cent. The Canadian Pacific Railway Company were able to place in the hands of the Government sufficient security to prevent loss to the country, and it is in order to economize our resources in that way that I brought forward this resolution for the consideration of this House. Our hon. leader, in his criticism of the motion, referred to several matters to which I should like to draw your attention. One of the first is the question of the North-West Central Railway. The hon. gentleman says in his remarks that they did not try to keep the North-West Central out of all the towns, but out of Birtle only, and that that is the only quarrel between the two companies. He is referring to the question of the North-West Central Railway which has been stopped in its operations partly by the desire of the Manitoba and North-Western Railway Company to keep it further away from its lines. The North-West Central is a railway that was projected many years ago and has succeeded in constructing 50 miles of its line. It is getting financial backing and there are promoters in England who are pushing it on for the benefit of the settlements interested—settlements in the division in which both the hon. member from Assiniboia and I reside. When I found that the North-West Central was checked in its operations, as set forth in a printed memorial that was sent round and placed in the hands of every member of both Houses, I felt as representing that division in which the people were interested in the construction of this North-West Central Railway that it was my duty to memorialize the Government on behalf of that company and on behalf of the people who were dependent upon the construction of that railroad for their economical transportation. I will read the memorial which I forwarded to the Government upwards of a month ago:—

"Memorial to His Excellency
"The Governor General in Council.
"On behalf of the Great North-West Central Railway Company.

"Your memorialist humbly shows that the Great North-West Central Railway Company was originally the Souris and Rocky Mountain Railway, designed to run on the route of the Canadian Pacific Railway Company, and when that company selected that route the Souris and Rocky Mountain Railway was awarded a route to the north of the Canadian Pacific Railway to Battleford. The name was changed to the Great North-West Central Railway Company, and a land grant amounting to 6,400 acres per mile was granted to the company for 450 miles to Battleford. Some private gentlemen in England undertook to carry out the undertaking, and through their agent, Mr. Codd, let a contract for the first 50 miles for the sum of one million dollars upon the condition that 50 miles of railway should be completed and equipped up to the standard required by the Government for Government railways, and specified in their contract with the Government, on the further condition that the contractor should pay up all current liabilities, and acquire and assign to the company all the franchises and securities appertaining to the road, consisting of the bonds, etc. Upon this contract, I have been informed, they advanced fifty thousand pounds out of their own private means, and, in addition, advanced a sum sufficient to purchase the iron, amounting to twenty-five thousand pounds more, and in addition have spent another twenty-five thousand pounds in the construction and completion of the railway, in all amounting to one hundred thousand pounds, on account of the two hundred thousand pounds due.

"A dispute arose between the company and the contractors as to the proper fulfilment of the contract, according to the specified conditions, which resulted in litigation. The company had obtained from the Government an extension of time for the ratification of their title to the land grant upon the condition that by the 15th of December last the line would be in operation. The contractor applied to the courts to restrain the company from taking such steps as might be necessary to acquire the road, and the company applied to the court for an injunction to grant the company the possession of the road that they might go on and operate it to save their franchise, and to complete their road according to the requirements of the contract entered into by the contractor to make their securities good. The judge while recognizing that according to the contract the contractor had not completed its requirements, and that the company were not forced to pay him until such requirements had been completed, informed the agent of the company that in the ordinary process of law the courts could not give him possession until about 1st April of this year, and that if it was a matter of importance to the company to operate the road by the 1st of December he would recommend that a consent judgment be entered giving the company the right to operate the road, and to complete the contract, and at the end of six months to pay the contractor. In the meantime the bonds of the company were to be locked up in the hands of trustees. These

bonds were issued upon the guarantee that one hundred miles of railway should be constructed according to the plans and specifications at the time in force. These plans located the line of railway upon the same survey that the Government engineers made in 1880 by way of the mouth of the Qu'Appelle River and any deviation from this route would render the bonds of the company valueless as security or as a means of raising money. The railway company have applied to the railway department for its approval of the plans locating this route, but the department have up to the present not signified their approval of these plans. This action has placed the company in financial straits and they have not been able to comply with the conditions of the court to pay the contractor on the 1st of April. Had the company possession of their bonds, and the aforesaid plans had been approved by the railway department as to route, they would have been able to sell their bonds upon the 50 miles of road already constructed and have paid off all the liabilities to the contractor. They are, however, now in such a position that the contractor can take possession of the road with all its franchises, through a process of foreclosure under the terms of the consent judgment and wipe out the vested interests.

"This is going to be a financial loss of one hundred thousand pounds to the English gentlemen who have undertaken to promote a railway that will be of great value to the development of our western country. It will injure the credit of similar undertakings in the money market of England and through continued litigation may destroy all hopes of the people interested in the construction of this railway in the west ever seeing its completion. On behalf of the development of our western country, on behalf of the competition the promotion of such a line of railway will ensure to the benefit of trade and to the benefit of production :

"Your memoralist respectfully represents to Your Excellency in Council that it would be in the interest of the country at large to co-operate with the present company in order to strengthen their hands and relieve the railway from the deadlock which is now threatened.

"The present position of the company entitles them to issue bonds to the extent of twenty-five thousand dollars per mile. They are entitled to a land grant of 6,400 acres per mile for 450 miles with the condition attached that one hundred miles will be completed during the present year. It is manifestly to the interest of the country that that hundred miles should be completed ; at the same time more favourable terms might be arranged with the company which would relieve the Government from the obligations of the land grant.

"Your memorialist, therefore, suggests that the Government guarantee the bonds of the company for thirty years at the rate of four per cent interest upon the following conditions :—

"That the company will deposit with the Finance Department a sum sufficient to meet the first eight years' interest, or eight thousand five hundred dollars per mile, to be used in meeting the obligations of the Government under that guarantee for the first eight years. While any portion of this amount is lying in the hands of the Government unused four per cent interest will be allowed annually on the same to the company.

"The company will further deposit with the Finance Department the annual interest one year in advance of its being required after the deposit made by the company has been used up. In consideration the company will resign all claim to the land grant, that the same may be set apart and held by the Government as an additional guarantee that the country will not be called upon to pay any money under their guarantee.

"And further the company will, in consideration of the country lending its credit to the construction of the railway, bind itself to pay to the Government three per cent of the gross earnings of the railway for all time to the revenues of the country.

"And as an additional security for the due fulfilment of these conditions, the Government can assume power to take possession of the railway at any time that the company fails to comply with the above conditions.

"Your memoralist has no authority for making this proposition on behalf of the company but it is so manifestly to the advantage of the company in its present legal difficulties that your memoralist does not see any difficulty in persuading those who have a hundred thousand pounds at stake, which they are now liable to lose entirely, accepting those modified conditions.

"It is a proposition that is manifestly in the interest of the country ; the experience of the past has shown us that in developing our western prairies the cost of obtaining the capital has nearly equalled the cost of construction and that the annual burden thereby placed upon the trade and traffic of the country to meet the interest upon the increased cost is very great, and anything that will obviate that will raise the financial credit of our railway undertakings.

"The country will save the cost of alienating 6,400 acres per mile of the public domain for 450 miles. There will be a revenue derivable from the increased traffic of the railway ever increasing with the population and trade of the country at the rate of three per cent on its gross volume. The company, through the guarantee of interest, can float their bonds irrespective of the opposition of any existing railway, thereby rendering them more independent in their competition for the trade and traffic of the west.

"Your memoralist was informed by the hon. leader of Your Excellency's Government, in reply to a question regarding the carrying of the mails by the Great North-West Central

Railway Company, that he had been informed in consequence of litigation the railway would in all probability be closed for traffic and that therefore the transferring of the mail service to the railway was premature.

"Your memoralist, therefore, informed himself of the facts herewith submitted, and as it seriously affects the prosperity of the district whose interests your memorialist is especially appointed to represent in the Senate of Canada, and as the virtual wiping out of one hundred thousand pounds of money invested in one of our chartered railways by English capitalists, when the assets are ample to meet all current obligations, would seriously affect the credit of our railway enterprises, and the credit of the country generally, I am thus moved to memorialize Your Excellency's Government in regard to the matter.

"And your memorialist will ever humbly pray."

Hon. Sir JOHN CALDWELL ABBOTT—Whose memorial is that?

Hon. Mr. BOULTON—This is my memorial.

Hon. Sir JOHN CALDWELL ABBOTT—Has it been sent in?

Hon. Mr. BOULTON—Yes; it has been sent in a month ago. Now, that is the case in regard to the North-West Central Company. The Manitoba and North-West Railway Company are seeking to cause the North-West Central Railway to be deflected. As I told the House before, the route of the railroad is one the Government originally designed on which to build the Canadian Pacific Railway as a Government work, and settlers went in there as far back as 1878 and 1879, expecting that the road would be built on this route. The Government gave the route to the North-West Central Railway Company, and now they are seeking to deflect their line from that route so as to cross the Assiniboine and Qu'Appelle rivers in a different location, and the plans have never been approved by the Government. In order to make their securities good the company inform me that the plans require to be approved so that they can issue their securities and go on with the other fifty miles of road. Now there is the influence that I spoke of in regard to the North-West; the company should be left to take the best route they can find for their road, and let competition govern. The North-West is sufficiently large and wide in its extent to justify the construction of the North-West Central as well as the Manitoba and North Western, though at certain points geographically they are compelled to approach each other rather close, in consequence of very deep valleys that create engineering difficulties; but when they branch out on their separate courses there is no necessity for them to approach each other nearer than a reasonable distance to enable them to pay their way. The hon. leader of the House has referred to the Manitoba and North-Western Railway Company, and says that we know that the whole outside capital that has been brought into that road, exclusive of what has been raised on this land grant, was paid by the promoters—one of the wealthiest firms of the Dominion. The gentlemen at the head of the Manitoba and North-Western Company are the Allans, of the firm of Allan Brothers in Montreal, and it is because I knew they were at the head of that railway I thought they should construct the 20 miles of the road this year without coming to Parliament to ask for relief from that obligation. Now, with regard to the expenditure on this road, I got out of the Library Skinner's "Stock Exchange," which furnishes all the financial operations of railway companies for 1892, to show what financial operations have been conducted by the Manitoba and North-Western Railway Company in London. They have built 180 miles of their line. They have issued bonds to the extent of £3,000 per mile on the first 180 miles, at 6 per cent. interest, and the bonds realized 90. Then, in addition to that, they borrowed from the Manitoba Government $6,400 per mile upon the security of the land grant, at the rate of $1 per acre. So hon. gentlemen will see that the company have received financial assistance by the sale of their bonds to the extent of about $13,000 per mile, and in addition they have borrowed $6,400 per mile on the security of the endorsation of the Provincial Government, making about $21,000 per mile that the company have realized on these securities. Now, I turn to the statistics of the country with regard to the actual and theoretical cost of the principal railways in Canada. On page 392 is given the actual cost of all the railroads in Canada, their mileage and so on, and I see that the Manitoba and North-Western is returned as being 233 miles, and $15,913 per mile as the actual cost of the railway. The company sold their securities for $21,000 per mile, and the actual cost has been $15,930 per mile. The balance has been no doubt held to meet the

interest which I acknowledge for the first few years of the life of a railway the company are unable to pay out of the earnings of the road, and they are obliged to pay it out of capital. That was the example set by the Canadian Pacific Railway and other roads, and with great advantage to those who invested their money, and to the country. But I am only pointing out to you that these railways are getting an excessive advantage in the large land grants that were given to them. We are not interested in assisting to make promoters wealthy out of the resources of the country. We are interested in husbanding the resources of the country as much as we can. I have been induced to look into the stock list to see what the cost of the construction of the various railways has been, and I find that it varies from fifteen to twenty thousand dollars per mile; at the very outside in the prairie country I think $20,000 a mile is ample to construct and equip any road in the North-West. It is desirable in the interests of our traffic, and in the interest of the economy it is absolutely necessary for us to use in developing that country, to keep these costs down as low as we can. The bonds issued by the Manitoba and North-Western Company bear 6 per cent. and they sold at 90. What I say is, if the Government could see their way to endorse the bonds of the company on such conditions that the country is absolutely secured, and allow the company to raise money at 4 per cent interest, a great advantage would accrue to the Dominion. The leader of the House criticised somewhat sarcastically the view that I had laid down with regard to the ten million acres that I said could be saved in withdrawing the land grants to the railway companies, and changing the aid which might be necessary to give them, and he spoke of raising this fifty millions of dollars, and asked where were the people that were going to buy the ten million of acres, and stated that capitalists would not give $5 an acre for these lands to-day. I regret to see that he has put himself in a position to be quoted in the immigration pamphlets of the United States as an authority on the value of the lands in our country, because he decried the value of them in discussing the land grants to railways in our North-West. He said they were not worth much, and that the stock of the companies that held them was worth only 70 or 80 per cent. I think that he will find that his words will be used to the detriment of the country, and to the detriment of immigration when we are endeavouring to induce settlers to go in there. I think in his anxiety and zeal to defeat the proposition that I have brought forward in the interest of our western country he has made a false step in that respect. The hon. leader knows that it is not necessary to raise $50,000,000. It is only a financial transaction. There are say 10,000,000 acres of land that are worth $5 an acre, and if these railway lands were held for sale the same as we hold school lands, and were held at an upset price of $5 an acre, as the school lands are—sold at that price and time given for payment with a low rate of interest, they are well worth the amount I stated. I am satisfied if these lands were placed in the same position as the school lands, people will buy them at $5 an acre when the interest on the unpaid portion is at four per cent and six to ten years' time is given. Settlers will take up those lands, and by their cultivation and occupation increase them in value. It is for that reason that I assume that 10,000,000 acres of land is good security for the endorsation of the country to the extent of $50-,000,000, and it is not necessary to sell a single acre of that land to capitalists or to any but those who go on them to cultivate them. Even under settlement duties, as lands increase in price railway companies will charge more than $5 an acre, so that settlers will gain in the long run. The hon. gentleman from Assiniboia and the hon. gentleman from Toronto criticised also the policy of giving railway charters to promoters, allowing them to hold them and try to raise money on them. It is the people who live in the country who have found out where the railways are required, and where they are likely to pay they are the men to attract the attention of capitalists to construct those roads. No capitalist is going to enter that country and hunt up for himself where roads should run. People have to go to the centres where capital is raised and there they have to present their schemes and seek for capital necessary to construct these roads. We in the interior are, of course, without means, but we have knowledge, abundant experience, and we have an interest in providing railway communication that is essential to our interests, therefore it is absolutely necessary in the course of our railway development that the initiation of these enterprises must be with those who are in-

terested in providing railway communication in remote districts. We have in Manitoba a Railway Act which allows anybody who files a plan and complies with the requirements of the law to go on and build a road. That is what we call in Manitoba free trade in railways. It is very much the same in giving charters to all who try to build roads. It is necessary to pay six or seven hundred dollars in order to get a charter through, to pay the cost of advertising and parliamentary expenses, and that is quite a sufficient check to prevent people in the interior securing these charters merely for the purpose of selling them. For that reason I think the criticism of the hon. gentlemen who made objection on that ground when they come to consider it from that point of view is not justifiable. The hon. leader of the Government criticised also the fact that I had applied for a land grant for a railway company for which I had assisted in obtaining a charter in connection with other promoters, and that I had apparently changed my mind, doubtless implying that my present opposition had an interested motive. Last year I was applying for a land grant; this year, he says, I am condemning the Government and moving a vote of want of confidence, and he drew deductions from that as to my change of opinions. I applied for a land grant last year in response to petitions signed numerously by people in the North-West Territories. They sent in those petitions which contained an application for a land grant to aid the Manitoba and Assiniboia Grand Junction Railway. The Government replied through the Minister of the Interior that there was no more land to give—that when the companies that had been given land grants had earned them, there would be no more lands to give. When I find on official information that such is the case, I am perfectly justified in changing my opinion, and saying if there is no more land to be given to aid railway companies, it is perfectly consistent to say that those companies which have not complied with the conditions should have their lands forfeited, so that the Government could remodel the system with a view to economize the resources of the country in the interests of railway construction. It was in that direction that I changed my opinion to avoid the extravagance of continuing to give 6,400 acres per mile to railways from the public domain which ought to be husbanded and economized for the future wants of the population that is likely to go in there, and in connection with that I will read to you an application that I am about to forward to the Government with some petitions from settlements interested in the Manitoba and Assiniboia Railway—an application which suggests aid very much in the way I have indicated to this House. And I read it that hon. gentlemen may understand to what extent my opposition springs from interested motives. I am anxious to see a main line running through our northern settlements but not for the purpose of enriching the promoters. If by good management and economical construction they can get a good return for their investment, in the same way as any other business is conducted, they are entitled to it, but not otherwise; the country has a great deal to gain in the opening up of new districts, and it is therefore entitled to take some share of the responsibility for the benefit of the settlements, but the most economical way of doing that should be considered. My application is as follows:—

"To the Honourable
"The Minister of Railways and Canals,
"Ottawa.

"Sir,—I have the honour to forward to you ten petitions: from Saltcoats, Regina, Moosomin, Shell River, Lake Dauphin, Gilbert Plains, Castlevery, Langenberg and Russell, and a memorial from the promoters of the 'Manitoba and Assiniboia Grand Junction Railway Company,' praying for a measure of public aid to assist in the development of new districts in the North-West.

"This railway is designed to connect the City of Winnipeg with the City of Regina through a new tract of country, and will establish connections with other railways of great value to the trade and traffic of the people; it will assist in the development of some of the best agricultural lands in the country, and be the means of distributing the valuable fishing, timber, mineral and other resources of the district through which it will pass, both east and west. It is a railway of great importance to the eastern districts of Assiniboia, which have no direct communication with the capital of the Territories, where all the business of the people is transacted. It is designed to reach the coal fields of the Souris district for the purpose of distributing coal over all its connections and bring them into competition with the western coal fields, and in reaching them will assist in the opening out of the fine agricultural district lying between the town of Moosomin and the Souris coal fields.

"This railway has an application now before Parliament for permission to extend its line into Winnipeg, where it will serve an en-

tirely new purpose in the development of the North-West, forming a loop line to the Canadian Pacific Railway for the through traffic between Winnipeg and Regina, and giving all the advantages to the towns and villages that will spring up on that route that the main line of the Canadian Pacific Railway gives to the farming centres on their line of railway.

"Some of the petitions ask for aid by way of a land grant; some for aid by other means, because it is fully recognized by the people that while the country is sparsely populated, public assistance in some form to encourage the investment of capital is necessary.

"Personally your memorialists believe that railways running through the fertile districts of the North-West will be good paying investments with any supplementary aid in the shape of bonuses, provided proper enonomy is exercised in the promotion and construction; but in seeking capital to construct, the rate of interest demanded is very high, and the rate realized for the securities is very low, if capital has to take all the responsibility. If, on the other hand, the responsibility is shared by the Government of the country which authorizes the legislation, the rate of interest is low, and the value of the securities offered is high, and it is an object to the country to save as much interest as possible going out of the country; it does not then become necessary for the companies to charge such high rates to meet the accumulation of interest, and the first cost of construction is much lower. In a country like the North-West, which is subject to very long land carriage for the export of its produce, it is essential for the prosperity of the people that economy should be the leading feature of its construction and management; experience has shown that land grants have not accomplished the object which they were designed to accomplish. The Manitoba and North-Western Railway was located through one of the most fertile districts of the North-West and has been able to build at the rate of 20 miles a year; other companies, whose charters have been supplemented by land grants, have had to return to Parliament to obtain renewals of their charters, having failed to commence construction within the prescribed time. These lines of railways, two of which are running to prosperous settlements in the north, had to obtain large cash subsidies, in addition to their land grants, to secure construction, and even the Canadian Pacific Railway would have failed had not the Government come forward and, in addition to its large subsidies of land grants, cash bonuses and $35,000,000 worth of constructed railways, endorsed its bonds, guaranteed the interest on its stock and endorsed its land grant bonds—the land grants, bonuses, etc., have to come out of the resources of the people, but the endorsation costs the country nothing—there are several railway companies who have failed to comply with the conditions of their land grants, in the district of Assiniboia, in all amounting to about ten million acres. This land, in consequence of its having become accessible by the railways already built, has an intrinsic value of $5 an acre; the evidence of that is that the school lands and the Hudson Bay Company's lands are none of them sold under $5 an acre; the Canada North-West Company's lands, the Canadian Pacific Railway Company's lands have an average above $4 per acre; so that these ten millions of acres above referred to may be safely put down as an asset of $50,000,000. If the Government would set aside that land, or in fact all the lands in the North-West, as a trust in the first place to provide cheap and effective railway communication for the development of the vast territory, the public domain would be husbanded, and if instead of giving a land grant the Government were to endorse the bonds of the railways approved for construction, with limitations in the cost of construction, requiring at the same time a deposit from the companies to cover the first six or eight years' interest, and a lien upon the railway in the event of failure to meet the interest, after that a cheap and effective method of raising money and securing cheap construction could be provided. The country would be at no charge because the lands which would be increased in value would be a security to protect the guarantee and the lien upon the railways would be a second security. In addition to that, those railway companies which were aided in that way might reasonably be asked to contribute something to the revenue in consideration of the saving that they would be able to effect in the cost of construction by endorsation of the Government, which contribution would be an additional guarantee that no loss would accrue.

"On behalf of the petitioners, and the Manitoba and Assiniboia Railway Company, I would respectfully suggest that the Government aid this company by endorsing its bonds to the extent of $20,000 per mile at 4 per cent interest, payable at the end of 30 years, upon the condition that the company deposit with the Government a sum sufficient to meet the first eight years' interest, and give the Government a first lien upon the railway in case of their failure to meet the interest thereafter, and in addition that the company pay to the revenues of the country 3 per cent on its gross earnings forever.

"As a public work it will be a feeder to the Canadian Pacific Railway, both east and west, and develop new districts and new interests to the advantage of the whole country."

That is a letter that I am forwarding to the Government with the petitions that were placed in my hands by a large number of settlements—petitions for aid on behalf of this particular line of railway. Now, the Government want to assist new enterprises of that

kind, because it means immediate increased production, which means increased distribution. If the lands are all absorbed—if there are no more lands available to assist new railway companies—if public works are to go on, and the development of the North-West is to continue in the way that we all expect it will and should continue (a magnificent country of enormous extent that is all ready for occupation and cultivation) the Government will either have to divide up the lands that have been forfeited by these railway companies or assist these enterprises with cash bonuses. My hon. friend from Assiniboia has suggested that $9,600 per mile should be given to railways. I think that is an excessive sum to give in cash bonuses ; $5,000 or $6,000 would be ample to attract the capital necessary to construct any railway if it is only built upon an economical basis. It is these views that I desire to impress upon this hon. House from the practical experience I have gained in growing up with the settlement of the country, and I therefore take the opportunity to reply to the criticisms that were passed upon my ideas. There is one thing more I should like to refer to, and that is the remarks made by the hon. leader of the Government with regard to my change of opinions. The hon. gentleman informed the House that he had a respect for my opinions, but that I changed them so suddenly they failed to impress him with the same weight as they had done formerly. A change of opinion is perfectly justifiable if you can advance good grounds for such a change. The hon. leader himself, I have no doubt, in the past in his long public career has had occasion to change his opinions, and some of the greatest statesmen that the world has ever known have changed their opinions, and wisely so. If you have sufficient cause to change your opinions, it should not reduce your title to have that respect paid to them simply because you have happened to change them. What led me to change my opinion with regard to the land grants was the fact that I had official information from the hon. the Minister of the Interior—information furnished also on the floor of the House of Commons, that there was no more land to give to railway companies in the North-West. When I found that, I was perfectly justified in changing my opinions as to the advisability of retaining unearned land grants, and substitute for that system the endorsation of bonds properly secured, which would economize the land and help the companies. Then with regard to the position of the North-West Central Railway Company, what did I find ? In a memorial that I presented to the Government we find the Manitoba and North-Western using its influence to deflect the North-West Central Railway Company, and hamper the operations of a rival road. The Government having failed to approve the plans of the North-West Central Railway Company—the company is in consequence in financial straits, and is obliged to fight a legal battle with the contractor, Mr. Charlebois, for the posession of their line. The legal position of the contractor is that he can take possession of the road by foreclosure, through a consent judgment given to enable the company to comply with the Government's conditions, and the company's hands are tied because they have not the official recognition of their route to enable them to go to the English market for funds. Believing that the railway companies have more influence than the people, I am perfectly justified in changing my opinions. When I see in the North-West Territories a certain line of railway, the Calgary and Edmonton, which is forcing the village of Fort Macleod, a historical village that was located some 16 years ago, to move from its original location some 10 miles to a new town site that has been created by the company ; when I see these people who had purchased their homes and settled there are forced to move bodily ten miles to get near the railway which has had a large subsidy to serve the people's interest, I am justified in changing my opinions. When I look at the census that has been taken and see what has been accomplished in the past decade, from 1881 to 1891, and see that the population barely maintains a natural increase, and that exports are not increasing—when I see that we are putting on heavy taxation on the country in order to foster manufactories, and when I find we are not increasing the export of those manufactures—when I see combines are formed to limit the manufacturing power of the country and that factories are liable to be closed in order that protected monopolies may restrict competition, I am justified in changing my opinions—and many other Canadians will feel the same justification—when I realize from the official statistics of the country, confirmed by the census returns which are supplied by

the Government to guide us in forming our opinions, and in the advice that we should give to the Government of the day in the public interest—when I realize that and realize the importance of these questions, I am perfectly justified in changing my opinions without forfeiting the opinion of the hon. leader of the House or of any member of the Senate for having changed them.

Hon. Sir JOHN CALDWELL ABBOTT—I do not propose to reply to my hon. friend's second speech, especially as it is not at all appropriate—a large portion of it—to his motion. There are one or two mistakes of fact which my hon. friend has made that I should like to correct, and one or two propositions which my hon. friend has supported that I should like to say one word upon. He began by saying that the Government endorsed the Canadian Pacific Railway land grant bonds. The hon. gentleman is mistaken in that; they never did. My hon. friend says that the Government endorsed thirty millions of dollars of the Canadian Pacific Railway original bonds. My hon. friend is mistaken again; they never endorsed a dollar of that issue. My hon. friend says they guaranteed the stock of the Canadian Pacific Railway; they did in one sense, but not in the sense that my hon. friend conveyed to the House. They used money which the Canadian Pacific Railway placed in their hands in paying dividends on the stock of the railway. I think my hon. friend's information is largely of the same character, but why my hon. friend favours us with his long memorial on the North-West Central Railway and the Assiniboia Railway I do not know. However, it had its good effect; it showed us that my hon. friend, instead of trying to obtain a land grant for the Manitoba and Assiniboia Railway, which he petitioned the Government for last summer, now desires to have as a substitute for that land grant the bonds of the railway guaranteed by the Government. In this extensive memorial that he has read to us respecting the North-West Central Railway Company he proposes a similar remedy—that the Government should endorse the bonds of the North-West Central Railway Company, which he informs us, as an inducement I suppose to the Government to enter into that transaction, is now in financial straits—that the railway is in danger of passing into the hands of the mortgagee under foreclosure, and I fancy that every body knows that there is a judgment against the railway for the last four months, under which we have been told time and again execution was immediately about to issue to sell the whole railway under the judgment for several hundreds of thousand dollars due to its contractor.

Hon. Mr. BOULTON—Because the Government had failed to approve the location of their line, notwithstanding the repeated applications of the company.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend is mistaken there. The Government had nothing to do with that until after they had fallen into those difficulties. It is only within the last three or four months that there has been any discussion or pressure on the Government for the adoption of the line. But the company, departing from what was supposed to be their line, approached a town to which the Manitoba and North-Western Railway had already got access, and they naturally resented this intrusion into what they considered their territory, and there was a quarrel between them which has been going on and has been pressed by the North-West Central Railway Company just as they chose to press it. And it has taken up three or four times as much time as there was any necessity for, had the North-West Central Railway Company pressed their claim as rapidly and as energetically as they might have done. However, that is my hon. friend's idea—that we should give to this company (I do not want to call it a bankrupt company, but which is in financial straits)—that we shall guarantee the bonds of that company. I do not know why my hon. friend should attack the Manitoba and North-West Railway Company. I suppose being an advocate of the North-West Central Railway he takes up the side of that company against the Manitoba and North-Western, but for what purpose I really do not know. Every one knows just as well as I know, and perhaps my hon. friend knows, that the Allans have put in all the outside capital in the way of stock and the like that has gone into this road, and they are now very heavy creditors of the road, and have been pledging their credit and security for the last four or five years in order to proceed with the road. All I said yesterday was to point out that this railway com-

pany was being carried on with the help of their land grant, and that my hon. friend has not disputed in any way. My hon. friend accuses me of having depreciated the value of the North-West lands—of having made statements respecting them which would appear in the emigration circulars of those holding lands south of our border. I think my hon. friend entirely misunderstood me, and I question if any body else understood the statement I made with respect to these lands in the sense my hon. friend contends for. What I said was in opposition to my hon. friend's contention that ten million acres was equivalent to fifty millions of dollars, and that the Government could go on endorsing the bonds of these companies on the strength of this fund. I controverted that, because I say there is no possibility of such a quantity of land being put on the market and sold for any such price as my hon. friend speaks of. In saying that, I do not in any way depreciate the value of the lands. The lands which are appropriated to land grants lie largely north of any settlement—where there are no railways and no access to the lands, and where lands are not probably worth any more at the present time, before access is obtained to them, than they were before the Canadian Pacific Railway was built. Nobody can deny that in the North-West Territories, where there are tens of millions of acres of land available for settlement—where large portions of them can be obtained for nothing at all under homestead—that no large quantity of land can be placed on the market and produce any such price as my hon. friend speaks of. In saying that, I do not depreciate the value of the lands in the North-West. But my hon. friend's scheme is such that it does not matter whether the ten million acres of land produce the fifty million dollar fund or not, because the hon. gentleman says endorsation costs nothing at all. His view is exactly on the principle of the character described by Dickens, who signed notes for his bills to his grocer and his tailor and said, "Thank God these are settled." I do not propose to go further into the matter. My hon. friend's arguments, I think, refute themselves, and the idea of economy that he has been promulgating—that we should stop land grants because we have no more lands, and that we should endorse for bankrupt railway companies—will not commend itself to the consideration of this House or of the people.

Hon. Mr. BOULTON—I refer hon. gentlemen to the report of the Canadian Pacific Railway Company, in which it says, "Land bonds 3 1-2 per cent, guaranteed by the Dominion Goverment, $15,000,000." That is the information I drew my statement from. I do not desire to press this motion, as I would not care to prejudice the case while the Dominion Government is deliberating, and hamper it by a possible adverse vote, but the information I have elicited is of value in considering the question in this House. I believe myself that a very strong vote would be polled in favour of my position.

Hon. Mr. CLEMOW—You had better try it.

Hon. Mr. BOULTON—I believe it would be, but I do not press the motion, and I ask leave of the House to withdraw it.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend has made a statement with regard to the Government endorsement of the Canadian Pacific Railway bonds in good faith, but in point of fact the bonds which he refers to are the $15,000,000 of bonds that were guaranteed to the Canadian Pacific Railway as a consideration to that company for abandoning their exclusive rights to prevent the chartering of railways to the boundary line.

With the leave of the House the motion was withdrawn.

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Monday, June 6th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

JUDICIAL APPOINTMENTS IN NEW BRUNSWICK.

MOTION.

Hon. Mr. POIRIER moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all letters, petitions, telegrams, correspondence, memorials and communications addressed to the Government or to any of its members in relation to the appointment of a successor to the late

Judge Wetmore, of the Supreme Court of New Brunswick.

He said : The subject to which my motion refers is a delicate and a very unpleasant one, but I believe it is my duty to raise it now. My object is not at all to find fault with the appointment of the successor to the late Judge Wetmore, the Hon. Mr. Hannington, who is recognized to be one of the leading lawyers of New Brunswick, and in all respects worthy to hold the position which he now occupies. Another object animated me, and I beg you to believe that in bringing this question up I am not at all moved by any prejudice, or by any desire to raise race or religious feeling. On the contrary, my political career, however insignificant it may be, has tended all along to prove the contrary, and if there is a point on which I can boast it is that, with my friends in New Brunswick, we have always tried, and mostly with success, to deal with our compatriots in a friendly and brotherly manner. It is the boast of the political school to which I belong, that we succeeded in appeasing the troubles that were raised in connection with the school question in New Brunswick. We thought that, in this century, and in this country, Catholic and Protestant should manage to live peaceably together by giving and taking, and I am glad to see that such is the condition of affairs in the whole country. There is no province in the Dominion where the different races and nationalities live together in a more friendly and harmonious manner than in New Brunswick. That much said, I will approach the question. When the late Judge Wetmore died, another attempt—I say another, because on previous occasions attempts had been made for the same purpose—another attempt was made by the leading men in New Brunswick, leading Catholics and, I must say, some Protestants also siding with us, owing to the justness of the claim, to endeavour to have one appointed to the Supreme Court of New Brunswick belonging to the Roman Catholic creed ; and we thought by asking for that much we were not raising any strife, we were asking what was simply our due. We were simply doing the work of free citizens who are performing their part towards the welfare of the country, and we believed we were entitled to some fair return. Since the organization of the Supreme Court of New Brunswick, some 27 judges have been appointed to that honourable position. Not one of them ever belonged to the Roman Catholic faith. We have been denied judges all along ; still we never made any undue noise about it, but simply, in a British constitutional way, we have asked that we should have one of our own on that honourable bench. Let me be well understood ; we do not find fault with the judges that were or that are. They are all honourable men, all men dealing with the law and applying it to the best of their conscience ; but still as we had and as we have competent men of the Roman Catholic creed we thought we should have one of our own there. You will understand that this feeling is just when you are told, which you already probably know, that the Catholics in the Province of New Brunswick number more than one-third of the population. Surely we are not asking what is unreasonable. We should have been entitled to two judges all along ; we never have had one. We are asking in a most legitimate way, one consecrated by British tradition, for justice and we cannot have it. My friends from New Brunswick and myself wish to know what is the mysterious power that prevents the appointment of a Catholic—what is the reason why this state of things exist ? I do not, for my part, wish to cast any blame on the Government, before I know some of their reasons for pursuing that course. These may be legitimate, but I confess I cannot see them in that light. The papers I ask for may show legitimate grounds for denying us an appointment of this kind and I only hope they will. But nothing short of the strongest arguments, based upon facts, will satisfy me. Some hon. gentlemen may say that these are racial prejudices. There are very few things among the noblest in this world that are not prompted by prejudice. What links one nation together against all others ? Prejudice. What prompted Wellington and the British soldiers to shed their blood at Waterloo ? Prejudice.

Hon. Mr. McINNES (B.C.)—Patriotism.

Hon. Mr. POIRIER—Patriotism is one form of prejudice, the noblest form perhaps. And patriotism is honourable. But patriotism is composed of many elements. In this case, call it prejudice as you like, it is a prejudice warranted by facts, and based upon legitimate patriotism ; it is a prejudice that is practised and respected elsewhere, and for my part I do respect it, and it is such a pre-

judice as is necessary in the composition of this Dominion. Composed as we are of different races and religions we must give and take, and the best way to have harmony is for every one to give and take. In raising this question, which I hope will have a good effect, otherwise I would not raise it, my object is that it may be conducive to better harmony. I have stood in the way of popular agitation on this question. I was always against violent methods ; but you must remember that if popular uprising is wrong with the people those who govern the people should not give ground and just occasion to it. The provocation in this case does not come from the people, that are wronged, but from the Government, who wrongs them. To-day, for example, suppose the Government were to appoint no English judges in the Province of Quebec, what would be the result ? The result would be prejudice, and I would stand by that prejudice. I say that the English population of the Province of Quebec have a right to have some of their people appointed to the Bench, not because justice will be better administered, but because of their numbers and their influence, and for the sake of good harmony. If this or any other Government should refuse to give what I call justice to the Protestants of Quebec I would be one of the first to rise and support their claim as being their right. I applaud again, the fact that the Protestants, who are in the minority in the Province of Quebec, numbering less than one-seventh of the whole population, are being treated not only with justice but with generosity, as it behooves where the majority have the power. They should then deal with the minority as a strong man deals with a child. I find that in the Superior Courts of the Province of Quebec there are eight English-speaking judges—Judge Hall, Judge Cross ; Superior Court—Judge Johnson, Judge Andrews, Judge Brooks, Judge Davidson, Judge Dougherty and Judge Tait. More than that, I find that the Chief Justice of the Superior Court is now the Hon. Mr. Johnson, an English Protestant, and before him in succession the two or three Chief Justices were also Englishmen—Judge Stuart and Judge Meredith. The latter was appointed in 1867, at Confederation. And what is the result ? The Protestant population are satisfied with their representation on the bench of the Province of Quebec ; but such is not, unfortunately, the case with us ; our population are quite dissatisfied. There are loud murmurs against the apparently studious manner in which the appointment of one of their creed is avoided. Now, the Premier or some other hon. gentleman may say that we have no competent man in New Brunswick for the position. At first sight that would seem hardly credible, because the same system of schools exists for both nationalities, and it is not within the experience of the world to see one race improve and the other retrograde under the same advantages. With equal facilities for education (we stand on an equal footing in that respect), one race is as apt to produce suitable candidates for a position as the other. I say we have had in the past, and have now, persons that are competent for appointment to the Supreme Court Bench. There was Judge Watters in St. John, the superior of whom did not exist, even in the Supreme Court. He was County Judge of St. John, but never could get to the Supreme Court ; he died last year. When the last vacancy occurred in the Supreme Court Bench there were several candidates. There were besides Mr. Hannington, the successful candidate, Mr. Barker, Mr. Lawlor, of Miramichi, and Mr. Landry. With Mr. Landry many of you hon. gentlemen are personally acquainted. I will not say, because the efficiency of the judiciary is what should be pre-eminently considered, that Mr. Lawlor, as a lawyer, was well qualified for the position, although in all other respects he was eminently qualified. I will admit that he was not equal to the best of our lawyers, but Mr. Landry was, and this I know personally, and know also from having consulted the leading lawyers of the counties of Kent and Westmoreland, over which counties he presides as County Judge. Judge Landry has practised law for about twenty years. I know from my personal knowledge that he has the reputation of being, and is a clear-headed, quick and first-class lawyer, with a remarkably judicial turn of mind. I know that his position as a lawyer was such that he not only had a good practice in his own district, but was often called from Kent to Albert, to Gloucester, and to St. John, and other counties, to plead important cases—not only cases for French people, but for English clients as well. I know that of my own knowledge, and I know that his services were sought for as

being one of the leading lawyers in New Brunswick. I do not know what argument can be brought against his appointment to the Bench, but that is the fact, and I believe when the papers are brought down that that fact will be shown. I am not talking for Judge Landry personally, but I am talking on a matter of principle, bringing Mr. Landry's name as that of one of the competent Roman Catholic applicants; in fact I am meeting beforehand the argument that we have no competent men. Moreover, I know personally that when Judge Landry accepted the County Court judgeship—and he is the only one of his creed in New Brunswick that holds that position—he was in a poor condition of health, and he was promised by the Ministers promotion when a vacancy would occur on the Supreme Court Bench. All that will also appear, I believe, when the papers come down. I am a strong supporter of this Government, and mean, as much as it is in my power, and I hope it will be always in my power, to continue that support; but I must admit, and sadly admit, that I am afraid the new Administration has somewhat deviated on this important point from the policy of their predecessors. The policy of Sir John Macdonald was admirable on that point. It was to give every one satisfaction so long as it did not infringe on other people's rights. The motto of the French in 1789 was his—"Le droit d'un citoyen finit ou le droit d'un autre citoyen commence." That policy, I think, hon. gentlemen will admit, was most successful in many ways, but especially in keeping together the various elements of our population, and giving general satisfaction. I repeat that promotion was offered and promised Judge Landry, and I believe that when the papers are brought down they will show it most distinctly. Now, as I stated before, there exists great dissatisfaction in New Brunswick, verging on popular agitation, but the agitation has been kept down so far. Not only did our population expect the appointment of one Roman Catholic to the Supreme Court Bench, but they expected it at the hands of the Liberal-Conservative Government; and I will tell you why. You all know that the appointment of judges, as well as of the other high officials, is made by the Government in power by calling thereto persons who have done good service to the country, and especially to the party, provided always that they are fit for the position. When the Roman Catholics of New Brunswick look to the other political party they cannot see any reasonable prospect of getting that measure of justice, which they now claim, because the French people of New Brunswick are nearly all supporters of this Government. They have been so since Confederation. Out of sixteen members from New Brunswick, the Catholics have four members, all supporting the present Administration. From 1878 to 1882, while Sir Leonard Tilly was the only Cabinet Minister from the Province of New Brunswick, his only support, outside of King's, was from Victoria, Gloucester and Kent, three French constituencies. Elsewhere the Government recompense their supporters by giving to the fittest amongst them such high positions, when some one has to be called to fill them. Why is it that their Roman Catholic supporters in New Brunswick are always ignored and avoided, making an exception in their case, and only in their case? I do not say that the system of making political appointments is the best policy; but such being the policy, it should be followed throughout. It may not be a much better policy to appoint partizans, than is the system in the United States of electing judges; but still while it exists here, in our Dominion, I should like to know why it does not apply to all equally. Moreover, Mr. Landry belongs to a class of politicians who are well qualified for the appointment. Perhaps the reflection has occurred to some of you, as it has to me, that some judges when appointed retain their prejudices, while in other cases such prejudices almost disappear. My experience leads me to believe that the unsuccessful candidate or politician retains his prejudice and political bias longer than the successful one who has no gall to swallow and no disappointment to avenge. I can name two judges of the Supreme Court of New Brunswick who have holden similar positions respectively as Mr. Landry, and who have made most successful judges. I do not see why again the same measure of Government favours should not apply to Mr. Landry, who has to his credit so many political services, and who is as good a lawyer, and in other respects equally as good a man, as to some of his old colleagues. I stated that the dissatisfaction that now exists in New Brunswick is a constitutional agitation and nothing more. I might read a sentence or two from a newspaper to prove what I have been saying. A correspondent

of a Moncton paper says, "We are told that we appeal to race prejudice. Never! We appeal to racial interests ignored and trampled on. We appeal to racial rights and privileges that are denied us, and that is all." That is now the tone of the agitation, but should there be a continuation of the policy which has excluded us, not only in the past but at the present moment, and which systematically and designedly excludes us from judicial positions, I do not say that those people, finding that they cannot get justice at the hands of the Government, may not, if within their power and within the law, express their opinion in some other way when opportunity presents itself. But that is not the desired result. I think the result which we should all wish for is to give justice when it is fairly demanded and especially when it is doubly deserved as it is in this case.

Hon. Sir JOHN CALDWELL ABBOTT—I find it difficult to express all I would desire to say in answer to my hon. friend's speech. The subject is a delicate one, and I should be sorry to wound any one's feelings by going into details—into the various discussions and reasons which led to the appointment of a judge—but my hon. friend makes one statement, or indicates his belief in a state of things which I can assure him, without any hesitation at all, is entirely without foundation. The Government over which I have the honour to preside is the last which could, by any possibility, be influenced by any such considerations as my hon. friend has hinted at in his speech on this motion. The gentleman who has the initiation of the appointment of the judges is the last person who could be supposed to be influenced by the motives to which my hon. friend pointed. But I may speak still more broadly on that subject by saying that the question of religion, on which my hon. friend bases his advocacy of a different appointment in New Brunswick, is one which could not come up at all, unless there was a question as to the fitness of persons who are proposed for the appointment, and unless there was a deficiency in the representation of the particular church or belief to which the candidate belonged, which required consideration. The first point which the Government considers in the appointment of a judge is his fitness for the position, and I think it is universally acknowledged that the gentleman who was appointed in New Brunswick, to whom my hon. friend referred, was a man eminently fitted for the position. It would be quite out of place for me, and quite contrary to my wish, to enter into a series of comparisons between the gentleman who was appointed to the Supreme Court bench of New Brunswick and other gentlemen who were proposed as candidates for that position. I do not intend to do that; but I say without any possibility of contradiction, that with one exception, perhaps, the hon. gentleman who was appointed was one most fitted for the position that could be selected in New Brunswick. That, I think, is the universal verdict; that is the report made to those of us who had not the pleasure of knowing the men at the bar in New Brunswick. It was upon the question of that gentleman's superior fitness for the position, and no other question whatever, that he was appointed Judge of the Supreme Court of New Brunswick. I think my hon. friend himself, in speaking of two of the candidates, disposed very effectually of one of them when he said that he possessed every qualification for the position of a judge, except a knowledge of law. It was impossible, of course, to overlook that deficiency. Mr. Landry we all know. He was for a length of time in the House of Commons. I know him myself. He is a very eminent, respectable man, and a good lawyer, but without drawing any comparisons, without further dealing with Mr. Landry, I think it is sufficient for me to say that in making the selection we chose the man in our opinion best fitted for the position, without any reference to the question of race or religion. If another candidate of a different race or different creed had been equally well qualified, and if there had been any deficiency in the representation of citizens of that religion on the Bench we should of course have given that due consideration, entirely irrespective of what that race or religion might be, because in our case, I am proud to say, nothing has been done or thought of that would, in this respect, give a preference to one race or religion over another in this country of ours. I have no objection at all to the motion.

Hon. Mr. DEVER—I feel sorry to have to speak on this question, which is a very unpleasant one. If there is a thing on earth I dislike it is a discussion bearing on churches or religion, but since the hon. gentleman has

brought up the question so prominently, I think it is my duty to say that I do not sympathize in any way with the speech the hon. gentleman has made. I am not aware that any fault has been found with the appointment of the late judge, except, perhaps, the people of St. John might have preferred their own man, Dr. Parker, a gentleman in whom we all have confidence and respect. Still, when the appointment was made, and when it was considered that he was a supporter of the present party, and a gentleman qualified in every respect, from his experience and knowledge of the law, for the position, we felt that we had no right to complain. If I thought, and I think if others thought, that any man was kept out of office merely because he belonged to any particular church, I certainly would resent it, but I am not aware of any such feeling in the Province of New Brunswick. I do not see how we could have such feeling. We have a leader in the House of Commons, a gentleman professing our faith, a man who would not shrink from his duty if a question of the kind came up. The race to which the hon. gentleman who introduced this question belongs is also well represented in the Government, and if his representatives did not see that Mr. Landry got the appointment, I do not see that the question should be brought up and thrown in the face of gentlemen who perhaps never thought of the question at all. I regret exceedingly that this matter has been brought up. I do not think that there has been any cause for it. I never heard any question of the kind raised in St. John, and when St. John does not speak out it may be understood that the province is well satisfied. The late Judge Waters's name was mentioned. That gentleman, there is no doubt, it was universally conceded, was qualified for any position on any Bench in New Brunswick, but I found, in conversation with Judge Waters, that his health was not good and he was well pleased with the way the position was filled. I think he could have been appointed to the Supreme Court Bench if he had been so disposed, but he was quite contented with the position he held. His emoluments were equal to the salary of a Supreme Court judge, and finding that his health was not very robust, he was not a candidate, and therefore there is no fault to be found because he was not appointed. I say this because the late Judge Waters's name was brought in and it was insinuated that he was ignored. Now that was not the case. I think if he had been desirous of appointment, or if any great number of the denomination to which he belonged had desired it, he would have been appointed, and therefore there can be no fault found with the present Government who would have the consideration of the matter before them. I am sorry that the question has come up because I am not aware that there has been any cause for it at all.

Hon. Mr. POIRIER—I have been misinterpreted, I believe, on two points: First, by the hon. Premier when he said that I stated that one of the candidates, namely, Mr. Lawlor, knew no law. I intended to say that he was not equal, in point of knowledge of law, to Mr. Barker or Mr. Landry for appointment to the position.

Hon. Sir JOHN CALDWELL ABBOTT—I did not say that at all. I said that my hon. friend stated that the gentleman was well qualified for the position except that he was not qualified in respect to law.

Hon. Mr. POIRIER—I had almost expected to see my hon. friend from St. John take the position that he has taken to-day. He puts these words in my mouth—that I want Mr. Landry, or a Catholic, merely because he was a Catholic. I do not think I said anything of the kind. I said that I wanted competent men for the position as a first condition. I would be one of the first to stand up against filling vacancies on the Bench with men merely because they happen to be Catholic or Protestant, French or English, or Irish, or Indian, or coming from St. John. I should like to see men appointed because of their fitness for the position, not only to the Bench but to the Senate as well. What I said was that Mr. Landry was equal to the position, and that Judge Waters also was; and that neither of them could get it, and I wanted to know why? It did not surprise me to hear from the hon. leader of the Government that neither he nor the Minister of Justice was influenced by any such motives as those to which I referred. Knowing these two high and liberal minded gentlemen as I do, I was sure such was not the case. But I said such views were expressed in New Brunswick, and the hon. Premier will agree with me that by the appearance of things

there is room for such interpretation of motives. I do not wish to go beyond these expressions of opinion ; but I think that, in the interests of peace and harmony, it was desirable to give expression to the views that are entertained by a great many in New Brunswick in order that I might have an explanation from the Premier and be in a position to speak with authority to my friends. Life is long, and all evil is reparable. Without any further recrimination about the past, I will simply look forward to a more promising horizon for the future, and bid my friends to do likewise.

The motion was agreed to.

INLAND REVENUE ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of Bill (71) "An Act further to amend the Inland Revenue Act."

Hon. Mr. DICKEY—Before this Bill passes from the House it is but fair to the hon. Premier that a word of acknowledgment should be expressed as to the commendable course which he took with reference to this measure. It may be remembered that some three or four weeks ago, when this Bill was first before the committee, strong opposition was made to sub-clauses 2 and 4 of section 2 of the Bill. The hon. Premier, who had charge of the Bill, did not participate in the view of the opponents of those sub-sections, and he combated their arguments, but he gracefully yielded to the suggestion that the Bill should be taken out of committee for a short time, and that he should have time to consider the course to pursue. We may presume fairly that on reflection and inquiry he satisfied himself that the objections were well founded, and he accordingly moved the other day that these clauses should be struck out of the Bill. I thought it but right and fair, under the circumstances, that I, as one of the strenuous opponents of the clauses, should make this acknowledgment to the Premier, because I consider the course that he followed is entitled to the commendation of the House.

Hon. Mr. KAULBACH—I almost regret that my hon. friend, the leader of the House, took such a course. I think it was a wise clause which he introduced in the Bill, although I took little or no part in the discussion which took place upon it. I cannot see any reason why the Premier has changed his views on the matter. My hon. friend from Amherst laughs ; but really I thought he and the hon. gentleman from Halifax, who so ably contended for the position, took an erroneous view of the clause. It is quite evident to my mind that without these clauses the Bill is not so perfect as it should be. It is evident that there is in this country a large amount of spurious liquors retailed by grog sellers, and I do not see how it is possible that you can prevent the sale of adulterated liquors unless you make the people who sell them mark on the vessels that contain them the names and makers of the liquors.

Hon. Mr. MACDONALD—Catch the wholesale men ?

Hon. Mr. KAULBACH—It does not touch, to my mind, the wholesale men at all. It merely deals with the persons who sell in small quantities. The name of the bottler would be a guarantee to the person who asks for the liquor that he gets what he pays for, and it would be the means of detecting fraud when it exists. I believe that many liquors are brought into the country that do not get to the people in the state in which they are imported. It is made over again, mixed with drugs and rendered injurious to those who use it, and I regret that the hon. Premier has yielded to the solicitations of the hon. gentleman from Amherst in this respect.

Hon. Mr. POWER—I feel that it is only proper that I should express my sympathy with the Premier in having incurred the hostility of the hon. gentleman from Lunenburg by yielding to the objections that have been urged against these clauses in the Bill. It must have caused the hon. gentleman from Lunenburg acute pangs to have been obliged to disagree with the Premier, and the sympathy I feel for the hon. Premier I also feel for the hon. gentleman from Lunenburg. I know how strong the feelings must be that have led him to urge an objection to any measure offered by the Premier to the House. In this case, I think it is, to modify a familiar quotation, not that he loves the Government less, but he loves good liquor more.

Hon. Mr. DEVER—I feel desirous to compliment the Premier, and I think this House

ought to compliment him for making so perfect a Bill as he has done by his amendments to the measure, which I may say was introduced here in a very crude manner. The Premier is aware that he supported his Bill with the statement that he thought—in fact believed—that a large amount of adulteration is going on in the country. I feel disposed to take exception to this statement, for I think it is hardly fair to a business so extensive as the liquor trade is in this country, that it should be libelled without any proper ground for making such a charge. I then ventured the statement that the only adulteration of liquors that was going on in this country was the introduction of foreign spirit into foreign or imported liquors. Spirit manufactured in Canada of the value of 50c. in bond pays a revenue duty of $1.50, and similar spirit in strength and quality imported from abroad costing 50c. has to pay a duty of $2.12 1-2. Hon. gentlemen will see that there is something very unfair between the duties when one pays $1.50 and the other $2.12 1-2. Perhaps now that the Premier has got an inkling into the way these Bills have been introduced he will frame such a tariff on liquors as will give general satisfaction. I assure him that the liquor duties are not satisfactory in this country. Under the present tariff wines are almost excluded from the Dominion. Light wines, the importation and use of which should be encouraged, pay a duty of $8 or $9 a dozen. It should not be the case. We ought to encourage the importation of light wines and good liquors, for it cannot be denied that the best liquors are found in countries distant from the Dominion. Native spirit I have no objection to. We have the grain and we ought to manufacture spirit in Canada, but certainly it is not equal in quality to what we can import from abroad. But when hon. gentlemen complain that this spirit is being adulterated with drugs I say before this House it is false. There is no such thing going on; the adulteration consists simply in mixing imported spirit with native spirit. The hon. gentleman knows the analyst's report has been laid on the Table, and there is no mention in it of any adulteration going on in spirit and wine in this country. I say, therefore, it is not doing justice to those in the trade to libel it in this way. It is merely encouraging the efforts of men who make a specialty of creating office.

Hon. Sir JOHN CALDWELL ABBOTT—I think it is due to the House to state the reasons which moved me in striking out the two clauses to which the hon. gentleman from Amherst called my attention, and the principle on which I did it quite agrees with the principle that the hon. gentleman from Lunenburg has just stated, so I think I ought to be considered as pleasing both parties and therefore not deserving or requiring the sympathy that the hon. gentleman from Halifax was kind enough to tender me. The fact is when the clauses of the Bill came to be closely scrutinized it was found that they did not take precaution for the punishment of persons who adulterated the liquor and put it in the bottles; it imposes a severe penalty upon the bottler although the liquor, if I may venture to say it in the face of what the hon. gentleman from New Brunswick has stated, was good.

Hon. Mr. DEVER—Hear, hear.

Hon. Sir JOHN CALDWELL ABBOTT—I consider it would be a perfectly legitimate subject for legislation to provide measures to discover the persons who adulterate liquor; but the clauses in question did not do that; they dealt only with liquor pure, or adulterated by putting water in it, and that is not an offence under any of our statutes, and therefore it seems to me that there was no necessity for precaution to find out who put the liquor into the bottles when the putting of the liquor in it was not a crime or any offence—not an impropriety even. It was for that reason I determined not to press upon the House the passing of the clauses, and as to the real object which I think the Department had in view it seems to me it required more consideration than was given it. Next session there may be another measure such as my hon. friend desires to see—that is to say the means of finding out the bottler who introduces the adulterated liquor into the package—brought to the House for our consideration.

The motion was agreed to, and the Bill read the third time and passed.

LANDS IN THE TERRITORIES BILL.

WITHDRAWN.

The Order of the Day being called for the second reading of Bill (M) "An Act to consolidate and amend the Act respecting lands

in the Territories," Hon. Sir John Caldwell Abbott said: This is a Bill intended to consolidate the law relating to land titles in the Territories, one of very great importance, very voluminous, and one which will require a great deal of attention. I have been requested by several members from the North-West, both in this House and in the other House, to postpone the passing of this Bill until another session in order that they may have the opportunity between the two sessions to study its clauses, and I think such attention by gentlemen who are on the spot will be of immense value in forming a really good Act. I therefore propose to accede to the request of these gentlemen and I move that the Order of the Day be discharged.

The motion was agreed to, and the Order of the Day was discharged.

THE BENNETT RELIEF BILL.

REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. KAULBACH moved concurrence in the Twenty-second Report of the Select Committee on Divorce *in re* Bill (J) "An Act for the relief of Robert Bennett." He said: I delayed asking the consideration by the House of this report so that hon. members might have an opportunity of seeing the evidence that was laid on the Table, and which has been before them now for some days. I think every hon. gentleman who wished to do so has had an opportunity of reading it. The report states that evidence was given by only one witness of the offence charged in the petition, and that the evidence of that witness was unsatisfactory and inconclusive. There was very little confirmatory evidence. The respondent was present personally, and was represented by counsel, but we did not think it necessary to call her. There were other facts which in this case we were required to enquire into, but we did not consider it necessary to do so, because upon the main fact of the case, on the adultery alone, the committee were almost unanimous in finding that the evidence before us was not conclusive, and we did not go beyond that. On the other question of collusion or connivance the evidence was very debateable. There certainly was some appearance on the part of the petitioner himself that he had conspired with a certain person or persons to entrap the respondent into committing the very offence for which he was seeking redress. We did not consider it, for it might be a very vexed question, and having found that the evidence of adultery was not conclusive to satisfy us of the guilt of the respondent, we considered we could fairly rest on that, and that our report would receive the sanction and approval of the House. I think hon. gentlemen, who have read the evidence will come to the conclusion that it is not such evidence as will justify us in dissolving the bonds of matrimony as asked for by this Bill.

Hon. Mr. ALMON—As I objected to a certain extent to the report being adopted without the evidence being printed, I must say that I have since read the evidence that was laid on the Table, and having done so I entirely agree with the report of the committee that the adultery has not been proved. I think that the hon. gentleman from Lunenburg scarcely put it fairly before the House. He said that it was only proved by one person. It was proved by one person who stated that he had committed the adultery himself; but that would prevent any man with any knowledge of human nature, or any honourable man, from believing a word that witness said. I think that a great many of the questions that were asked were irrelevant, if a layman is not going very much beyond his duty in saying so. I do not know why I should not say so, because I notice that when medical subjects are up before this House, lawyers are only too anxious to give their opinion about them. I think, when a case of divorce is introduced into court, the first thing the lawyer does, when a woman is accused of adultery, is, if possible, to calumniate the character of the husband, and when that is done it is to be taken as conclusively proved that the woman is innocent. I think the evidence would be very much shorter the less the committee calumniated the character of the man, and the more likely they would be to prove the guilt of the woman.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Halifax must see that the committee cannot restrict counsel in asking questions, and we have to take the evidence that is placed before us.

The motion was agreed to, and the report was adopted.

CHIGNECTO MARINE TRANSPORT RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. DICKEY moved the second reading of Bill (83) "An Act respecting the Chignecto Marine Transport Railway Company (Limited)." He said: This is a Bill following upon the legislation of last session, asking for power to make a change in the securities of the company, with the consent of the parties interested. It is not necessary that I should go into particulars as to the object of the undertaking. I would merely state that, according to the legislation, the company had power, with a capital of some £400,000, equivalent to something like two million of dollars, to issue first mortgage bonds to the extent of £700,000, or about $3,500,000, speaking in round numbers. After getting the legislation in 1888, the company proceeded to finance their undertaking, and in doing so they disposed of a portion—I think about £300,000 of the stock and about £350,000, or about half of the first mortgage bonds only—and although they sold readily, their reason for not issuing the whole of them was apparent. Had they put in circulation the whole amount that they were authorized to do at the time they would have been obliged to pay interest upon those bonds, and the holders, who lent their money upon them, could only expect a small amount of interest in return. It was a very prudent course under ordinary circumstances, but circumstances changed in a most wonderful manner a couple of years afterwards when the firm of Baring Bros. suspended. The result on the credit of the country, and all undertakings of this kind, was disastrous as this company found it to their cost. The consequence was they could not negotiate the remainder of their mortgage bonds after they had expended what money they had. They were in this position: they had expended about £300,000 of their stock and £350,000 of their first mortgage bonds, making altogether, as regards the first mortgage bonds, exactly half of them, and were therefore left with the other half upon their hands. They endeavoured to sell these, but without effect, as it was well known that no new undertaking had any chance whatever in the London market from the colonies since this unfortunate failure of Baring Bros. And the company have come to this House for relief—that is to say, they asked for an extension of time from the year 1891 to 1893 for the completion of this work, and the House granted it. All I have to say about that is, not having been present at the time, to express my gratification at the admirable tone and spirit in which the application was made to the House. This winter they discovered that the state of the collapse of the financial arrangements was very much as it was the year previous, and they were unable to do anything. Then they called a meeting of the stockholders and bondholders and found this to be the state of things: These bonds were scattered over a wide area, in small amounts in numerous hands, and a great many of them had been taken by persons who had not funds to take any more, otherwise they would have assented to the proposal of the company that they should take pound for pound of these bonds that were left on hand, so that they could take up the whole and would thus furnish funds to go on with the work; but they found, after one or two meetings, that difficulties arose in that respect and the company were obliged to come to Parliament for this legislation, which is substantially to allow them, under the circumstances stated in this Bill, to negotiate the remainder of these first mortgage bonds and put them on the rank of being preferential mortgage bonds to the whole of the others, and the Bill provides that that shall not be done at all, except, at a special general meeting of the shareholders held for the purpose, it shall have received the assent of two-thirds of the shareholders and three-fourths of the bondholders as well. Under these circumstances I apprehend there will be no objection to the Bill as it is a domestic matter that they should have this legislation and this Bill will go to committee where the facts will be inquired into. There is a provision in the Bill also that the bonds already authorized shall be cancelled when this Bill passes, and that these shall be substituted, and from these they purpose raising the funds necessary to complete the work.

Hon. Mr. SCOTT—This company came to Parliament a few years ago asking authority to allow them to issue first mortgage bonds on security of their railway, their plant and all their property. A certain number of the promoters now come forward to Parliament and ask us to pass a Bill which supersedes

the previous securities—in other words they propose that the second mortgage shall take precedence of the first mortgage. They propose that that shall be done on the authority of three-fourths of the stockholders. Now, while three-fourths majority can make very materal changes in the details of any corporation, I question very much whether my hon. friend would be able to point to any precedent in Parliament where authority has been given to supersede the first security and make it practically worthless. My hon. friend said that one of the difficulties in inducing the parties to take up the bonds that had not already been sold was their inability to do so—that they were not in circumstances now to enable them to do so. The unfortunate people who hold these worthless bonds are to be entirely ignored, simply because they have not the means to go in and join with more wealthy promoters who can take up the bonds and possibly be recouped in the future for the new issue. It is the adoption, I think, of a very dangerous principle, and one which would require a much more unanimous sentiment than three-fourths of the shareholders. At all events it will be necessary to show that all the bondholders had notice of this legislation. It would be manifestly unfair and outrageous that Parliament should absolutely destroy first-class security without giving the holders of that security an opportunity to appear and urge any objections which they may have against the passage of such legislation.

Hon. Mr. MACDONALD (B.C.)—If the work does not go on, there is no security for those bonds.

Hon. Mr. ALMON—I rise, not to oppose the Bill in detail, but to expose what really, in my mind, the Chignecto scheme is. When, on a former occasion, I pointed out that it was a useless waste of money—that it was involving the country in a very large liability—some $170,000 a year for twenty years, and that even under the guarantee voted by Parliament the company would not be able to complete the undertaking, I prophesied also that they would be coming here in three years for additional legislation. What I said then was correct, and I venture another prophesy, that even the money they get now will be wasted, and the parties who invest their money will lose it. The hon. gentleman from Ottawa has said exactly what I wished to say. I am not going to vote against the Bill, but in common justice we ought to pass some clause stating that the persons who have already taken stock in the company should have the preference in this new loan. I would likewise provide that any persons who have claims against the road up to now should not have their claims ignored. Although I disapprove of the Bill, and think it one of he most unfortunate measures that has passed this House, it would soften the disagreeable features of it to introduce the provisions I have referred to. I was one of the few Conservatives who voted against the Bill in the first instance, but if it was brought before the House again, as the Conservative party are those who are opposed to squandering the public money, I think the majority in this House would oppose the Bill. I shall not say anything more at present, but when the Bill comes before the committee I shall myself move, if some body else does not do it, to insert a clause to protect the original bondholders, and those parties who have legitimate claims against the company that their claims shall be a first lien on the road.

Hon. Mr. KAULBACH—I quite agree with what the hon. member from Halifax has said, that if this matter was coming before us now with the information we have there would be a majority opposed to this charter; but we are in this position, that by our own act we have granted the charter, and induced capitalists to expend a large amount of money—not money of Canada, but money of other people brought into this country in the construction of this work. Should the company fail now in getting what they ask for, the money would be lost to those persons who have embarked in this undertaking upon the faith of the legislation of this country. Under authority of this Bill preferential bonds will be issued and the work will go on, and those who hold the second security may get some return for it. I believe that those who have gone into this undertaking will yet realize their money. With the guarantee that Parliament has secured to them, this undertaking will be a success, and I think that the stockholders need not look upon it with anything like dismay. I do not think there is any engineering difficulties in the way of the work, and the only question before this House was whether we should have undertaken this work, and committed the country to so large

an expenditure. It is now, however, too late to talk of that after $3,500,000 has been expended on the work; $1,500,000 more is required to complete it, and it would not be honest on our part to interfere to prevent the company from borrowing the money to complete their undertaking.

Hon. Mr. PROWSE—It appears to me that the great question before us is whether the interest of the bondholders should secure the protection of this House in preference to the interest of the taxpayers of this country. In my opinion that undertaking will never be a success, if completed in accordance with the charter the company have received. It will never be of any service to the shipping of this Dominion or of any other country, and the question simply comes down to this: since negotiations have gone so far, whether it is the duty of this House or of this Parliament to protect foreign bondholders in this work, or whether we shall pass this Bill and give them an opportunity to complete the conditions of their charter, and saddle the taxpayers of this Dominion with $170,000 per annum for the next 20 years. It would be very unfair, as the hon. gentleman from Lunenburg has said, to place the original bondholders in that position; at the same time, looking at the question from every standpoint, as representatives of the people of this country, if we believe this undertaking is to be a complete failure, and will never be a success, it is for us to consider whether it is not our duty to protect the taxpayer of the Dominion, even at the sacrifice of the foreign bondholder.

Hon. Mr. DEVER—From the explanations of the last speaker it would seem that we should pass a vote of want of confidence in the Government. Parliament has given these people a charter, and has granted them a subsidy of $170,000 per annum for this work when it is finished to the satisfaction of the Government; but not one dollar is to be paid until the engineers of the Government have pronounced it satisfactory and completed, according to the conditions of the charter that these parties have received. Now, would it be fair on our part to go back on the legislation that Parliament has already passed and repudiate the whole transaction, when these gentlemen have laid out some three million of dollars on the enterprise? They went to work in good faith under their charter. They spent all their own money, and all they could borrow, and did so much of the work that it is acknowledged some $3,000,000 have been spent on it. Are we to deprive the parties who hold securities against the road of their rights, which they will be practically deprived of, if the railway does not go on? If the railway is not finished the property is virtually of no benefit to anyone. It will be no benefit to the company, and certainly none to the creditors of the company. It devolves upon us, as fair minded men, to see that fair play is given, and that this company are permitted at their own will to raise a certain amount of money that will complete the work in such a manner that it will be able to earn something; at the same time if they comply with the conditions of the charter that they obtained from Parliament they will be entitled to the subsidy that the country has promised them. Under these circumstances, would it be right to reject this Bill merely to satisfy some sectional interest of a portion of the country that has been hostile hitherto to this measure that is known to be of great benefit to Prince Edward Island, the Gulf shore, New Brunswick and the western portion of Nova Scotia? I hope hon. gentlemen will not withdraw their support to this Bill, especially when we have granted the same privileges that this company ask for to other companies to assist them in raising money to complete enterprises which they have undertaken.

Hon. Mr. MILLER—I am one of those who from the outset have held the opinion regarding this work that has just been expressed by the hon. gentleman from Prince Edward Island. I have never had but one opinion with regard to the unwisdom of expending this large amount of money for the purpose to which it was devoted. I agree with the hon. gentleman from Prince Edward Island that the work, even if completed, will be useless. It will never be used, and I cannot help saying that I look upon it as one of the most injudicious enterprises ever embarked in by a company. When the Bill initiating this public measure was before Parliament I do not think I voted for it. I think it went through the other House and came up here, and was promoted by the Government of the day, and there was no division on it in this House. Afterwards I admit, when Parliament became pledged to the men who acted on the initiatory legislation, and

who sought further legislation to assist them in carrying on a work which they had embarked in on the faith of the legislation here, I did vote for the measure giving them the relief or assistance—whichever it was—that they desired. I thought I was bound to do so, however much I condemned in the outset the commencement of this work, which, as I said just now, and as I say again, I do not believe will ever be used even if it is completed under the company's charter. Now, with regard to the present Bill, my attention has been called to it by one or two hon. gentlemen, and I have given it some consideration, and the conclusion at which I have arrived is, that the considerations which induced me to vote for the legislation that this company asked for last year induce me to vote for the second reading of this Bill. I hope, however, that the vested rights of the mortgage bondholders will be duly respected when it comes before the committee. I presume it will go before the committee on Railways, Telegraphs and Harbours, a committee well qualified to investigate a question of this kind, and that after the discussion here today, they will no doubt see that no injustice is done by the present Bill to existing rights. I must say the Bill strikes me, without a very minute investigation of it, as being largely one dealing with a domestic matter, and one that has to be largely operated, even if you give the legislation wanted, by a large majority of the shareholders, the interested parties themselves. Under the circumstances, I am prepared to vote for the second reading of the Bill, and I shall have an opportunity of hearing everything to be said on the subject when it comes before the Committee on Railways, Telegraphs and Harbours, and if I see any amendment necessary, I will move one in order to protect vested rights.

Hon. Mr. POWER—I suppose if this were purely a domestic matter, and nothing else were concerned but the funds of the shareholders of this company and the interests of people who loaned their money on the bonds of the company, the view taken by the hon. gentleman from Richmond would be shared by other members of the House ; but there is something more to be considered. I think the question put by the hon. gentleman from Murray Harbour has not been answered. It is not a question of internal economy in the company at all ; it is a question between the people who pay the taxes of this country and a certain number of the interested shareholders and bondholders of the company. The question is whether there would be any breach of faith on the part of Parliament in now declining to give this legislation, up to date at any rate, asked for by certain members of the company. That is a very important question. Nnow, as far as I could gather from remarks made by two or three hon. gentlemen who have spoken in favour of the Bill, they are of opinion that the faith of the country is pledged to this company, and that it would be a breach of faith on the part of Parliament to refuse, at this stage, the legislation which is asked for by this measure. Now, I am obliged to confess that I do not look at the question in that way. These corporators came to us in 1882, asking for certain legislation and giving us to understand that, armed with that legislation, they could carry the work on to completion. They got the legislation which they asked for. I am bound to say that I believe the Government of that day, even the member of the Government who was active in securing the grant from the Treasury to this company, were of the opinion that the company would never complete the work, or that the money of the country would ever be called for. We had no legislation, if I remember rightly, from 1882 until 1886. In 1886 the company came to Parliament again and informed us that the legislation which they had was not sufficient for their purpose. They asked for certain amendments—for a certain improvement in the mode in which the grant was to be made to them—and certain other changes in the legislation. Parliament granted the changes which were asked for. This the company ought to have been able to go on with. They ought to have known their business. They had inquired into the merits of the undertaking, or ought to have inquired into its merits, and when they came to Parliament and made the statements which they did make, those statements should have been reliable. However, again they were mistaken, and they came to Parliament a year or two ago and asked for an extension of time, and I may say that I did not vote against that measure for granting the extension. It is the only one of these measures which I have not voted against. The reason why I did not vote against that measure was, that it was made to appear

that the people who undertook this work had spent a considerable portion of their own money in the undertaking; they had asked for no money from Parliament, but they simply asked for a comparatively small extension of time, and I thought it would be perhaps a little hard and unfair to refuse them that extension. Now the position is different. A certain number of persons interested in this undertaking come to Parliament and ask Parliament practically to wipe out a number of the persons who hold small interests in the undertaking, and they ask us to give precedence to the encumbrances to be created in this Bill, if it becomes law, over the encumbrances created under our previous legislation. As has been stated by the hon. gentleman from Ottawa, I think that is something quite unprecedented. Then the question occurs, are we bound—is the faith of Parliament pledged to the majority in interest of the shareholders and bondholders of this company? I do not think it is. We have given them everything they have asked for up to the present time, and as they ought to have been in a position to know what they wanted, I do not think we are dealing at all harshly with them when we say, "We have given everything you have asked for up to the present time, but we will not give you anything more." The interests of the public must be considered, and we should not imperil the public interests in future. It means this, I presume, that the people in England have found out, as nearly every one in Canada knew from the beginning, that this undertaking has no merits as a commercial project at all, and the sole object of this Bill is to enable the persons holding the largest interests in this undertaking to be recouped from the public treasury for the money they invested in an undertaking which they should never have begun. If we pass this legislation, undoubtedly under the terms of the Bill a number of persons holding small interests in this undertaking will lose their property altogether, and I think the better way is to sacrifice—if there is to be a sacrifice—the persons holding the large interests along with those holding the small interests, and save the country from the expenditure of some $3,000,000.

Hon. Mr. WARK—I think this is an undertaking which ought not to be dealt with in the way that is proposed. I think the request is a reasonable one. What is the position of these small bondholders that the hon. member from Halifax speaks of? Will they ever get anything under the circumstances?

Hon. Mr. POWER—They will not get anything in either case.

Hon. Mr. ALMON—I think if you believe everything that is stated on this subject, it is going to be a bad institution. The moment the railway is in operation an immense number of servant girls, who have gone to the United States to live, will come home to spend their Christmas holidays. A number of other equally sensible propositions were made in support of this project when it was brought up in the House before, and therefore it would be unfair to say that they would get nothing.

Hon. Mr. WARK—I was going to remark that this was not like a joint stock company, such as a bank, that can sell off its assets and divide them. If that could be done, these small bondholders could get something, but in the position that the work now occupies everything must be sacrificed, or the work must be finished. I think some gentlemen are expressing an opinion about this enterprise without sufficient information on the subject, as to whether it is likely to be useful or not. The gentleman who undertook the work took great pains to inquire into the subject. He is a very intelligent man and one who had been engaged on important undertakings before he undertook this one. He has put a great deal of his own money into it, which is a good sign that he is satisfied it is going to be successful. I think the least we can do is to grant the company the Bill. They wish to issue some more bonds. They wish to complete the work. They have a pledge from the Government of a certain amount of money when the work is completed, and unless we give them these facilities that they ask for, the whole property will be sunk in that undertaking and it will be a dead loss. I am therefore in favour of the Bill.

Hon. Mr. DICKEY—I do not propose to be drawn into a discussion on the original merits of this legislation, because I think that is a thing which belongs entirely to the past. As to the success of this undertaking, that belongs entirely to the future. It has nothing in the world to do with the question before

the House, but I ought, in deference to the opinion of my hon. friend from Ottawa, to notice an objection that he has made, or a suggestion rather, which is supposed to be in the interest of these small bondholders. I state it frankly, there are a good many of them probably who would not be able to take up another bond, and therefore they are not all in a position to agree and make it uniform. But as the amount of bonds that are out, and the amount to be issued, are equal, it requires something of the kind to make it work, and that is one of the reasons why it was not a success. I omitted to state that by the Bill itself provision is made to secure that these parties shall have a preferential right to take those bonds. It will be found in the first subsection of clause 2, "provided that the holders of the then outstanding mortgage bonds of the issue heretofore authorized shall be first given the option of subscribing, etc., etc." So much for sacrificing the interests of those bondholders. In regard to these preference bonds, my hon. friend asks if I am aware of any such case. I know several such cases. I can point him to the history of the Grand Trunk, and in that case they were not only a first preference and mortgage bonds, but first, second, and third preference bonds. What did Parliament do? They said this work is built and you cannot get your road steel railed and doubled tracked, and you cannot make other improvements unless the parties who hold the first lien give up their first preference, and allow others to have the preference, and that is what is being done here.

Hon. Mr. SCOTT—That was increasing the revenue.

Hon. Mr. DICKEY—This is to enable the work to be completed after spending some three million odd dollars upon it. The question then would be: with all these undertakings how is it possible to get along and carry out the undertaking? It requires the unqualified assent of three-fourths of the whole mass of these people interested to do this. It requires two-thirds of the shareholders, so that provision is made for the protection of all; but there is just this difference between this and any ordinary case: all these people who hold the first mortgage bonds will lose their money unless this Bill is passed. If this Bill is passed, and they are enabled to complete the undertaking, then, and then only, will they be in a position to ask for the subsidy. The subsidy is granted upon the express condition that the work must be completed, and completed to the satisfaction of the Governor in Council, without appealing to anybody, and that it must be worked for the same period steadily, without any appeal to anybody, and that during any portion of the twenty years in which this work is not able to perform its function the subsidy ceases. Every protection is given to the public. I am sorry to be obliged to occupy the attention of the House in dealing with these details, but it was right to meet the suggestion of my hon. friend who asks that those interests should be protected, and I trust if they are not sufficiently protected already the House will be able to protect them before we get through with this matter. The senior member from Halifax stated that he did not oppose the Bill last year. I mistrusted the good feeling he exhibited then, and the worthy statesman-like sentiments he gave utterance to when he denounced the idea that he was going to oppose the giving of facilities to those people to complete their work. It was on that principle that the hon. gentleman, who is leader of this House now, and who was also the leader of the House then, brought in a Bill to extend the time to enable these gentlemen to complete the undertaking, and we ask this legislation now in consequence of a change of circumstance, that they may be able with the consent of the overwhelming majority of those interested in the work to provide funds and complete the work. The same reasons exist to-day that prevailed last year. I presume the Bill will be read the second time now, and referred to the Committee on Railways, Telegraphs and Harbours.

The motion was agreed to, and the Bill was read the second time.

BILL INTRODUCED.

Bill (82) "An Act respecting the Montreal and Western Railway Company." (Mr. Bellerose.)

THE BENNETT DIVORCE CASE.

NOTICE OF MOTION.

Hon. Mr. CLEMOW moved that the amount of the fee in the Bennett Divorce case be refunded to the petitioner, less the amount of

the expenditure necessary in connection with the case. He said : It has been the custom in cases of this kind, where a Bill has been defeated, to refund to the petitioner the amount of his deposit, less any portion required to cover necessary expenses.

Hon. Mr. KAULBACH—My hon. friend is wrong in saying that it is usual in all cases to do so. There are one or two cases in which it has been allowed, but I do not see why we should depart from the usual practice in private Bills. It is not usual, if the Bill fails, to return the fee, or the balance of it. It is a question whether my hon. friend had not better in this case give notice of motion, and let the matter be considered at another day.

The notice was allowed to stand.

The Senate adjourned at 5 p. m.

THE SENATE.

Ottawa, Tuesday, June 7th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (42) "An Act to revive and amend the Act to incorporate the Brockville and New York Bridge Company." (Mr. Clemow.)

OTTAWA CITY PASSENGER RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (16) "An Act respecting the Ottawa City Passenger Railway Company," with an amendment. He said : It becomes my duty, as chairman of the committee, to explain the nature and scope of this amendment. In order to do so more intelligently, I may as well read the preceding part of the section :

"The company may acquire from any other person or company all or any of the businesses which the company is hereby empowered to carry on, together with all or any of the assets, franchises and property, real and personal, movable and immovable, of the seller or sellers thereof, subject to the obligations, if any, affecting the same."

That is perfectly clear, and affords protection to the public, because it makes the company subject to the obligations affecting their rights and franchises ; but it was not satisfactory to the city, as they found on reflection, for this reason : that it did not apply to any outside agreement between this company, and the city or any municipality, and the city solicitor appeared before us and presented the amendment, which has been read and which is to this effect : to strike out these words "if any affecting the same," which applied to the franchise and the business of the company, and not to outside agreements, and put in these words : "the obligations of any such person or company, to any municipality." The House will see at once that the person who wrote that must have had his mind entirely confined to getting this written so as to include obligations to the city, but forgot altogether the outside public, and struck out that part of the Bill which covered these obligations affecting the same—that is, all obligations affecting outside parties—because, as the House is aware, invariably when parties are authorized to sell their property they sell it subject to the obligations that rest upon it, and any obligations which their charter requires, or which they have chosen to impose on themselves by agreement or otherwise, go with the property. In this instance they struck out everything except the obligations to the municipality. When I looked at the amendment I expressed my doubts about it, and the solicitor of the company came to me to look at the matter, and the moment I explained it to him he said that that was not intended to be the meaning at all. We have struck out the part relating to the public ; but these people, if they buy any property, must be subject to all obligations to the public, and we restricted it entirely to their agreement with the municipality, which happens to be the case with the Electric Railway. All the engagements which they have made are not a part of the franchise or property, but rest on outside agreements made between this company and the city, and it was with regard to these that they wished to provide for protection. It was not the wish of either party that the amendment should refer only to obligations arising out of contracts with the municipality, as it appeared afterwards, because subsequently the partner of the city solicitor, accompanied by Mr. Green, who represented the Electric Railway Company, waited on

me and said that that was not their intention at all, and one of the solicitors wrote, at my suggestion, words to cover both, so that the clause would read in this way: "subject to the obligations, if any, affecting the same, as well as any obligations arising out of any contract or agreement with the municipality, etc." That made it perfectly clear, and carried out the idea of protecting the city of Ottawa and also protecting the public, and it made the company liable to all obligations to the public. Both parties have agreed that the amendment should be made. We have been in the habit occasionally, with regard to these reports, to make any amendment of the kind at the third reading, and it is for the House to direct me as to the course I should take—whether to let the report stand and be considered to-morrow or adopt it now with the understanding that this amendment could be moved at the third reading. The promoter of the Bill is here present in his place, and can explain whether he is prepared to accept this statement and have the amendment made at once, or whether he wishes to have it put off until to-morrow.

Hon. Mr. MILLER—I may add to what has been said by the hon. gentleman from Amherst, that I was present at the meeting of the Railway Committee this morning, and heard the parties interested in this Bill discuss the provisions of it very fully. Since then I have had a note from the solicitor of the company, in which he tells me that the omission referred to by the chairman of the committee is quite proper and correct, and that it is desirable that an amendment should be made in the line indicated by the hon. gentleman from Amherst. He points out to me what the result of the amendment, if made, would be, in his letter, and a further amendment that would be required to make the Bill what it ought to be in order to be satisfactory to all concerned. This amendment which he has indicated to me in his letter is quite in accordance with the views of the hon. gentleman from Amherst, and I presume there will be no objection from the members of the committee, or from the members of this House with regard to the propriety of making that amendment. If the promoter of the Bill will move concurrence in the amendments made by the committee, afterwards, when the motion for the third reading of the Bill is made, he can move an amendment in accordance with the suggestion thrown out, and I think the House will have no objection to adopting it.

Hon. Mr. POWER—I think that probably the most convenient way would be to refer the report back to committee and allow the committee to make the amendment.

Hon. Mr. MILLER—When I spoke to the chairman of the committee I suggested that course myself, and perhaps it would be, strictly speaking, the proper way, but as the Bill has to go back to the other House with an amendment it is desirable that it should go through without any delay.

Hon. Mr. POWER—There is plenty of time.

Hon. Mr. MILLER—I do not know whether there is plenty of time or not, but the parties interested in the Bill seem desirous that it should be passed through Parliament as soon as possible. I have no objections as one member of the House, and I have spoken to no member of the company, and have had no word with any member of the House on the question, but I heard the matter discussed before the committee this morning very fully, and see the necessity for these amendments.

Hon. Mr. CLEMOW—The proposed change will meet the views of all parties interested. It is clear and comprehensible, clearly defining what is meant, and there is no necessity for sending the Bill back to the committee. In the meantime I move concurrence in the amendments.

Hon. Mr. DICKEY—I presume it is with the distinct understanding that it is open to move the amendment I have suggested at the third reading.

The SPEAKER—Certainly.

The motion was agreed to, and the amendments were concurred in.

A QUESTION OF PRIVILEGE.

Hon. Mr. BOULTON—I rise to a question of privilege. I see in the daily *Citizen* of to-day, that Mr. Devlin in his speech on his Home Rule motion, used these words:

"At the Grand Orange Lodge of North America, which met in Montreal recently, a resolution was passed pledging the support of the loyal Orangemen of Canada to the brethren of Ireland in opposition to Home Rule. And at a banquet subsequent to that

meeting Mr. Clarke Wallace, M.P., had alluded to the progress of Orangeism in Canada, and to the fact that such brethren as Boulton, Schultz and Abbott occupied high places in public life."

Now if I were an Orangeman I should not be at all ashamed to acknowledge it, but, as a matter of fact, I am not an Orangeman, nor have I at any period of my life been an Orangeman, and not wishing to appear in "borrowed plumes" I desire to make this correction.

BURRARD INLET TUNNEL AND BRIDGE COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACDONALD (B.C.) moved the second reading of Bill (65) "An Act to incorporate the Burrard Inlet Tunnel and Bridge Company." He said: This Bill is to authorize a company to carry out certain works in British Columbia at Burrard Inlet —a tunnel, bridge and railway. I do not know much about the Bill, but I hope that the work it refers to will go into operation.

Hon. Mr. POWER—Perhaps the hon. gentleman will inform the House whether it is likely that this company will be asking a subsidy from Parliament to build it?

Hon. Mr. MACDONALD (B.C.)—Very likely.

Hon. Mr. POWER—I think I should direct the attention of my hon. friend from Prince Edward Island to this measure, because I am afraid that the Burrard Inlet tunnel will probably be constructed before the tunnel to Prince Edward Island.

Hon. Mr. KAULBACH—I think the proposed incorporators have not calculated very closely the cost of this undertaking, because I think it will involve at least twenty times more than they have estimated.

The motion was agreed to, and the Bill was read a second time.

MONTREAL AND WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. BELLEROSE moved the second reading of Bill (82) "An Act respecting the Montreal and Western Railway Company." He said: The Bill is a very short one. Its object is to revive the Act of incorporation of this company and to extend the time for the completion of the road.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 3.50 p.m.

THE SENATE

Ottawa, Wednesday, June 8th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (70) "An Act to incorporate the Dominion Millers Association." (Mr. Sullivan.)

BENNETT DIVORCE BILL.

MOTION.

Hon. Mr. CLEMOW moved—

That the fee of two hundred dollars paid to the Clerk of the Senate by Robert Bennett, in presenting his petition for an Act to dissolve his marriage with Matilda Bennett, be refunded to him, less the expenses incurred; also, all exhibits filed by the petitioner at the hearing of the evidence be returned to him.

He said: The Bill was defeated in committee and therefore the petitioner is entitled to his fee, less the expenses incurred. I believe the hon. member from Lunenburg has an amendment to move, for the protection of the respondent, to which I have no objection.

Hon. Mr. KAULBACH—As my hon. friend has stated, I gave him notice of my intention to move an amendment. It shows the wisdom of requiring notice to be given of any motion; had this passed when it was introduced, I should not have detected the injury that its adoption in its present form would have done the respondent. She filed a petition here, and attached to it was a letter which smacked at least of collusion on the part of the husband to entrap her into committing an offence for which he was seeking the divorce. That matter we did not decide, but in order to rebut any such presumption, the petitioner himself, through his counsel, produced that letter and cross-questioned him on it, and it was filed by the respondent. The motion of my hon. friend would give the

petitioner possession of a document which would be a shield and defence to her in case this action should again be brought, as the result of the action so far has been simply a non-suit. If this exhibit were given to the petitioner, the respondent would lose a very important document. I therefore move that the following be added to the motion :—

Except exhibit No. 1, originally filed by the respondent as exhibit 7, in support of the petition against the Bill, which, together with the other exhibits so filed by her, be returned to her, and that true copies of all the exhibits filed in the case be made.

Hon. Mr. CLEMOW—I have no objection to that. Do I understand that this is an amendment to be added to my resolution ?

Hon. Mr. KAULBACH—Yes.

Hon. Mr. POWER—Another question occurs to me as to whether these words "less the expenses incurred" include the respondent's expenses in coming here.

Hon. Mr. MACDONALD (B.C.)—No.

Hon. Mr. POWER—I think that these ought to be included. The respondent came here to oppose the Bill, and was successful in her opposition. The general rule is that the costs follow the event, and in other cases of the kind we have given costs to the respondent.

Hon. Mr. KAULBACH—We have never given costs to the respondent except where the respondent entered on the defence. In this matter the committee took a very charitable view in giving the respondent the benefit of the doubt. I think the respondent must feel that she should not have costs. I find that it has occurred in four or five cases that the fees have been returned less the expenses. From what I hear of the way the Auditor General keeps the accounts, the expenses of the Senate are not properly represented. Not only is this fee of two hundred dollars charged to the Senate, but the disbursements and the money refunded to the petitioner appear against the Senate also, and it is only by strict analysis that one could discover that the Senate had not expended the four hundred dollars. There is some peculiarity in the way the accounts are kept. I wish it could be remedied, so that the expenses of the Senate would not appear to be larger than they really are.

Hon. Mr. CLEMOW—You will find that the Senate is credited with the two hundred dollars.

Hon. Mr. KAULBACH—I am informed that it is not so.

Hon. Mr. ALMON—I cannot see any force in the argument of the senior member from Halifax. The expenses of the case must be borne by the husband, and I do not see that the respondent is entitled to costs.

The amendment was adopted, and the motion as amended was agreed to.

OTTAWA CITY PASSENGER RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. CLEMOW moved the third reading of Bill (16) "An Act respecting the Ottawa City Passenger Railway Company."

Hon. Mr. POWER—I have searched amongst my files, and I do not find that the Bill has been distributed as amended.

Hon. Mr. MILLER—I do not think we have anything in our rules which requires the distribution of an amended Bill. I think it is only of the Bill in its original shape.

Hon. Mr. DICKEY moved in amendment that the Bill be not now read the third time, but that it be amended by adding after the word "same" in the 10th clause, 45th line, "as well as any obligations arising out of any contract or agreement entered into with any municipality."

Hon. Mr. SCOTT—As I understand, it is proposed to replace the Bill in the position it was before the House adopted the report of the committee yesterday ?

Hon. Mr. CLEMOW—According to the record the hon. gentleman is perfectly correct, but yesterday it was perfectly understood that the amendment that the chairman of the committee proposed was to take the place of the amendment as carried in the committee. That was the intention yesterday, but I see by the Minutes to-day that the record is different, and it is just as well to see that these words are replaced, and then the amendment will come in afterwards.

Hon. Mr. POWER—I took the opportunity of suggesting to the hon. gentleman yester-

day that the best plan would be to refer the Bill back to committee, and I think my hon. friend must see now that it would have been wise to have adopted my suggestion. We cannot accept the recollection of any hon. gentleman as to what took place. We have before us the record in our Minutes, and the record says that the report of the committee was adopted. Even now, the better plan would be to refer the Bill back to the committee for reconsideration. From all that I can learn, and I have had some conversation with one of the solicitors who is interested in the Bill, and with the Law Clerk of the Senate, and with the chairman of the committee, it is perfectly clear that the Bill in its present shape is likely to be a good thing for the lawyers but not for the persons who are directly interested in it.

Hon. Mr. MILLER—I think the House is quite seized of the amendments that should be made, and it would only be putting the promoter of the Bill to unnecessary trouble to refer it back now. Perhaps at the outset it would have been better to have referred it back to the committee, but now as we have it here, and understand what the amendment desired is, I do not see why we should not pass it on the present motion. Every one interested in the Bill was ably represented yesterday before the committee, and all the light necessary was thrown on the Bill by these gentlemen, and the committee acted with a thorough apprehension of the whole subject. It is a compromise between all the parties, and, therefore, while I have no particular view on the matter, I think it would be as well to allow the House to adopt the amendment of the hon. gentleman from Amherst, and see that it is made in the right shape.

Hon. Mr. SCOTT—If the amendment were put in words to this effect:—That the amendment made by the special committee in the 45th line, 10th clause, be not concurred in, but that the following be inserted in lieu thereof, following the word "same"—then would follow the amendment of which notice has been given. It is the common sense way of getting at it.

Hon. Mr. POWER—I do not think it is the regular way of getting at it. I think the regular way now is to move that the resolution which adopted yesterday the report of the committee be rescinded so as to get the Bill back in the shape it was in when it came up in committee.

Hon. Mr. SCOTT—We do rescind it by adopting another resolution.

Hon. Mr. DICKEY—I hope the hon. gentleman from Halifax will have some mercy on the chairman. I have already gone through one ordeal by attacking the gentleman interested in the Bill and pointing out some of the defects in it. As it stands now it has received the assent of all parties. The Bill is now in the House and belongs to the House, and the House can do what they like with it. I admit that the course suggested by the hon. gentleman from Ottawa should be taken, and at the same time I am quite contented it should be qualified by the suggestion made by the hon. gentleman from Halifax, because that would make us perhaps more clearly in the right that the resolution which was passed yesterday under a misconception should be rescinded, and that this amendment should be substituted.

Hon. Mr. POWER—I think the most correct way of dealing with the matter now is to move that the resolution adopted by the House, by which the amendments to this Bill recommended by the committee were concurred in, be now rescinded.

Hon. Mr. KAULBACH—Can you rescind to-day what you did yesterday?

Hon. Mr. POWER—It can be done only by unanimous consent. If any one objects to it it cannot be done.

Hon. Mr. DICKEY—Then my motion will be that the resolution of yesterday for concurring in the amendment in the 45th line of the 10th clause of the Bill be rescinded, and that the Bill be not now read the third time, but that it be amended by adding after the word "same" in the 10th clause, 45th line, the words "As well as any obligations arising out of any contract or agreement entered into with any municipality."

The amendment was concurred in.

The Bill, as amended, was then read the third time and passed.

MONTREAL AND LAKE MASKINONGE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. BELLEROSE moved the second reading of Bill (87) "An Act respecting the

Montreal and Lake Maskinonge Railway Company." He said: The object of this Bill is to authorize the sale of this company's road, which is a continuation of a branch of the Canadian Pacific Railway, to the Canadian Pacific Railway Company.

The motion was agreed to, and the Bill was read the second time.

THE MINISTERS AT WASHINGTON.

ENQUIRY.

Hon. Mr. SCOTT—Before the adjournment of the House, I should like to ask the Premier if he is in a position to announce the result of the recent visit of two members of the Government to Washington.

Hon. Sir JOHN CALDWELL ABBOTT—I shall be prepared to make a formal statement on that subject in the course of the next day or two.

The Senate adjourned at 3.55 p.m.

THE SENATE.

Ottawa, Thursday, June 9th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (82) "An Act respecting the Montreal and Western Railway Company." (Mr. Bellerose.)

THE CHIGNECTO MARINE TRANSPORT RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (83) "An Act respecting the Chignecto Marine Transport Railway Company," without amendment, and moved the third reading of the Bill.

Hon. Mr. ALMON—I think it is scarcely fair to force this Bill through the House today. There was a great deal of discussion in the committee on it, and the amendment that was moved there was only defeated by a majority of one, the chairman voting against it. The Bill has been hurriedly carried through the committe almost without being advertised at all. As it is a matter of great importance, and a number of gentlemen wish to express their opinion on it, I think the third reading ought to be delayed for a few days.

Hon. Mr. KAULBACH—Unless the hon. gentleman has some amendment to move, the Bill has been thoroughly discussed in the committee and in the House, and there is no reason for further delay.

Hon. Mr. ALMON—I have an amendment to move.

Hon. Mr. KAULBACH—I cannot see that anything new can be adduced for the consideration of the House, and it seems to me that it is rather asking too much of the House, unless my hon. friend intends to move an amendment to further postpone the third reading of the Bill.

Hon. Mr. DICKEY—I would like to accommodate my hon. friend from Halifax as far as possible, but the Bill has been hanging now for several weeks. It was thoroughly discussed in this House last Monday, and since before the committee, and as the committee has agreed to report it without amendment, I beg to move the third reading. A delay of two or three days may hamper the company in raising the funds necessary to carry on the work, and I think it should take its due course.

Hon. Mr. McCALLUM—If the hon. gentleman from Halifax wants to move an amendment the third reading should be postponed until he can put himself in a position to do so.

Hon. Mr. POWER—As I understand it, our rule on that point is the same as the rule in the House of Lords, and the rule of the House of Lords is that a Bill cannot be read a third time upon the same day upon which it is reported from committee.

Hon. Mr. MILLER—I know that my hon. friend has a strong opinion on that point, and has expressed it more than once. I have also an opinion upon it, and have given the point some little attention. The rule, I think, is as stated by my hon. friend in the House of Lords, and I do not dispute the authority either as found in "May" or "Bourinot" that such may be the rule prevailing in the House of Lords; and we also

have among our rules one which says that where we have no special regulation of our own the precedents of the House of Lords shall be taken ; but in this case, that is, in regard to the reading of Bills, we have a rule of our own. We have a rule on our book which says that Bills shall be read three times on three different days, and therefore any proceeding in connection with a Bill may be taken on the same day except a second reading. That appears to me to be the only construction of which our rule is capable, and we are bound by our rule, that we cannot read a Bill twice on the same day without the suspension of a rule of the House, and that the readings must take place on three different days. The principle is clear, although it may be said in detail that the very point raised by the hon. gentleman from Halifax is not included in our rule. However, the principle is clear that where we have made rules referring to any subject such as we have done in this case referring to the readings of Bills we oust completely the authority, whether in "May" or in "Bourinot," if our rules are to guide our procedure. I do not know whether I have ever had an opportunity of expressing my view on this matter before, although no doubt my hon. friend from Halifax, who has looked into it, has a view equally strong the other way. But I think the view I have expressed will meet with the support of the House.

Hon. Mr. DICKEY—As far as the rule of order is concerned, I entirely agree with the hon. gentleman from Richmond. This is not the first time that this question has been raised, although I do not know that we have ever come to a regular decision upon the subject. At all events, although the suggestion may have been made as to a different rule, the practice has always been, and we have continually followed it, that where a Bill is reported from committee without amendment we always considered it as a Bill which passes the Chair without amendment. The only passage which applies to this question I find in a late edition of Bourinot, page 623 :— "When a Bill is returned with an amendment, the Speaker puts the question. The Bill is either read immediately or on a future day, as the House may decide ; but when the Bill is reported without amendment the Speaker will propose the usual question as to when shall the Bill, as amended, be considered by the House." Then he goes on to say, "Except in cases where amendments are of an important character, and the House requires time to consider them, the Bill is immediately considered." That is even with the amendments to a Bill, but that rule as laid down precludes altogether the idea that where a Bill is reported without amendment there is any excuse for delay except that the House has a right to regulate its own proceedings.

Hon. Mr. POWER—That refers to the proceedings of the House of Commons.

Hon. Mr. DICKEY—The rule is laid down in a general way, but my hon. friend says it may be the case in the House of Commons. I am very glad that he made that remark, for it refers me to a fact that is very suggestive, that there is a rule in the House of Commons—they have been obliged to make a rule that a Bill shall not be considered the same day that it is reported from committee with amendments.

Hon. Mr. MILLER—I should like to add to what I have said, that the practice of this House has been in conformity with the interpretation of the rules that I have just mentioned, and that my hon. friend contends for. It was the universal practice of the House, when the late Sir Alexander Campbell was leader, and when my hon. friend from Ottawa was leader, and it has been the practice pursued by the present leader of the House ; all these distinguished men have followed the practice, and we have never known it to be controverted, except by the hon. gentleman from Halifax. Still, when a member states that he wishes to move an amendment to a Bill it has generally been allowed to stand over.

Hon. Mr. POWER—I have a rather strong opinion on this point as well as the hon. gentlemen who have just spoken. Of course, I am not such an authority as either of them, but if hon. members will look at our rules they will see that, in this House, in all unprovided cases we have to follow the rules and practice of the House of Lords. Our own rule as to the reading of Bills is that every Bill shall undergo three separate readings each on a different day. Hon. gentlemen will observe that our rules simply provide that there shall be no two readings of a Bill on one day, except by unanimous consent. No

provision is made about the reading of a Bill on the day when it is reported from committee. The rule of the House of Lords is to be found in Bourinot in a note on page 636. It provides that a Bill shall not be proceeded with on the same day that it is reported from committee.

Hon. Mr. ALLAN—That is Committee of the Whole.

Hon. Mr. POWER—From any committee, as I understand. It seems not an unreasonable thing, particularly in a case like this where there was a long discussion in the committee, and in one amendment. It is a case where there should be no undue haste. I do not understand that any Deputy Governor is coming down within the next two or three days to assent to Bills, and no harm will be done to let the Bill stand until Monday.

Hon. Mr. ALLAN—It has been the practice of this House, for years past, whenever a standing committee has gone through a Bill and reported the Bill without amendment, to read the Bill a third time the same day. In this case, however, the junior member from Halifax says that he wishes to move an amendment which he could not do without giving notice, and I suppose my hon. friend from Amherst would have no objection to postpone the third reading of the Bill to allow him to give proper notice.

Hon. Mr. ALMON—I am certainly prepared with an amendment, of which I will give notice. When this Bill comes up for the third reading, I shall move that it be not read the third time, but that this amendment be made, "That the said preferential bonds do not take precedence of the outstanding bonds of the company, or of any liability which the said company may have incurred prior to the passage of this Bill."

Hon. Mr. DICKEY—That is attacking the principle of the Bill. As I understand the rule that was read by the hon. gentleman from Halifax, the Bill cannot be considered the same day that it is reported. Now, I should like to have some decision on this point. The amendment which has been suggested negatives the Bill—it is practically rejecting the Bill.

Hon. Mr. ALMON—I do not think the hon. member is putting that fairly. It applies only to the bonds that have already been issued, and to which the good faith of the company has been pledged, but there are other bonds to be issued, and this amendment does not apply to them.

Hon. Mr. VIDAL—I think the motion, of which notice has been given, differs entirely from those which have been accepted by the House as a reason for postponing the third reading of the Bill, because it strikes at the very essence of the Bill—at the principle of the Bill, which the House has affirmed. The whole scope of the Bill is to do the very thing which my hon. friend from Halifax would, by his motion, supersede. It is asking the House to go back on its decision, and I do not think the amendment comes under the category of those which would justify the House in postponing the third reading.

Hon. Mr. DICKEY—If the rule which my hon. friend from Halifax has quoted is one which governs this House, we have been all wrong in our proceedings for the last twenty-five years.

Hon. Mr. SCOTT—There is no question about it, the general practice of the Senate has been to read a Bill the third time when it has been reported from committee without amendment, but hon. gentlemen will recognize the fact that if this practice is to be followed invariably, it may entirely prevent the moving of an amendment at the third reading, because at the third reading of a Bill, if any member proposes an amendment he is at once met with the objection that no notice has been given. It would therefore be practically impossible to give notice of an amendment if the rule is to be construed in that strict manner. I remember many instances in which the third reading of a Bill has been postponed on the suggestion of one or more members, with the intention to move an amendment at the third reading. For instance, in this very case an amendment was proposed in committee and was only defeated by a majority of one vote. Surely no gentleman will maintain that our rules ought to be construed so strictly that the member who moved that amendment should be cut off entirely from moving it at the third reading of the Bill. There is a general feeling that a good deal can be said about this Bill, and I

therefore give notice that on the third reading I shall move to reduce the rate of interest from six to five per cent. The proposition seemed reasonable to no less than ten members of the committee.

Hon. Mr. MILLER—I think the remarks of my hon. friend are calculated to lead the House away from the point that I intended to emphasize just now, that it is quite regular to read a Bill the third time on the day on which it is reported from committee. There is no irregularity in doing that, and that is the only point for which I contended. I agree with my hon. friend from Ottawa that it has been the custom, where a member of the House desires to move an amendment to a Bill, to postpone the third reading, but that does not interfere with the principle which I have just now laid down, that in this House a Bill can be read the third time on the same day that it comes from committee. With regard to the objection raised to the amendment, on the ground of its being against the principle of the Bill, I think any member has the right to test the principle of a Bill at any of its readings, but in moving on the third reading against the principle of the Bill, the mover is assuming a very strong position indeed, because he is asking the House to reverse the decision that it gave on the principle at the second reading. There is no objection, perhaps, to taking a vote now on the amendment of the hon. gentleman from Halifax.

Hon. Mr. DICKEY—I think I may make a suggestion to meet the views of the mover and the convenience of the House and prevent delay. I have no objection to the hon. gentleman moving his amendment now at the third reading, and that will settle that question, and when the motion is made it will be open for any gentleman to raise a question of order as to its being moved.

Hon. Sir JOHN CALDWELL ABBOTT—I do not think that is giving my hon. friend opposite much chance for his motion in amendment. I understand, as my hon. friend from Richmond does, that it has been the practice of this House to read a Bill the third time the day that it is reported from committee. There can be no question about the practice being universal for a great many years, and it is a rule which is as convenient as it is usual, but when it comes to a question of this description—when an hon. member says he has a material amendment to move—heretofore it has been the custom to relax the rule and allow the member who desires to make an amendment either to move it at once, or to put over the third reading in order that he may have the opportunity of giving notice of the amendment. Either of those courses I have no doubt would suit my hon. friend from Halifax. But my hon. friend from Amherst does not put it in that way. If the hon. member from Halifax moves his motion now, subject to a point of order being raised, if the point of order is taken the Bill will go through its third reading at once without any opportunity being given to test the sense of the House on the amendment.

Hon. Mr. DICKEY—I hope I have not conveyed any such idea as that—that any objection should be taken for the want of notice. Not at all. I waive all question, and if there is any objection to that any gentleman can speak, but if this is an amendment which ought not to be moved even if given a month's notice—if it is against the principles of the Bill—I cannot tie up any gentleman's power to object to it on that ground and not on the ground of want of notice.

Hon. Sir JOHN CALDWELL ABBOTT—Then I understand that if the House agrees there will be no objection to the hon. gentleman making his motion now.

Hon. Mr. ALMON—The motion which I will move now is a very important one. The honesty of this House is at stake if this Bill should pass. This company has already borrowed money in England on the first mortgage bonds, the people supposing there was no other mortgage before them, and now he company comes before us and asks us for power to borrow more money which will throw out the first mortgage. How far it will throw out the first mortgage was mentioned before the committee. The people who supported this Bill referred us to the Grand Trunk Railway as a precedent for their action in this matter. We all know what happened the first mortgage bonds of the Grand Trunk Railway. They are now worth nothing, and that will happen in this case if this Bill passes. The security on which the money was originally loaned will be worth nothing and these bonds will take the place of the original bonds of the company. The hon. gentleman says

that if this motion is carried it will be injurious to the Bill, and in fact that it will kill the Bill. I do not think that is what the hon. gentleman told us three or four years ago. He told us that this was an admirable speculation; that the bonus of $170,000 a year, which we have voted for twenty years, will not be needed at all—that in fact there is a clause in the Bill to provide that when the enterprise pays seven per cent to the proprietors, the Dominion should have the balance. The persons who introduced that clause certainly did not think the success of this project depended entirely on the subsidy that we are to give it. If what they said then was the case, this amendment is not likely to kill the Bill. It may be an argument in favour of the Bill that it has passed the House of Commons. How often has it been cast in our teeth that this House is a mere recording body. Supposing this Bill passes, and supposing this amendment is carried, and it does kill the Bill, it will save to the Dominion $170,000 a year for twenty years—more than the whole Senate will cost in all that time. The vote that we give to-day will take out of the mouths of the people the plea that the Senate is a useless expense to the country. On the contrary, if we adopt the amendment, it will be said that this one vote of ours will save to the country more money than the whole institution costs. We have not the slightest proof before us that the bondholders are aware of the application for this Bill. The party who came here with power of attorney was elected by whom? Not by the bondholders, but by the stockholders, who advanced the money, and he came out here without any authority from the bondholders that we know of. He was acting, as he said himself, by his power of attorney, which was not given by the original bondholders, but by the parties who advanced the money, and who will make a scapegoat of the people who hold the original bonds. Would it not be better to postpone the third reading of the Bill until Monday so that we can look into this further, and see if what I am saying is correct or not. The Bill passed in the committee by a majority of only one. I took the trouble to look through the vote which was recorded when I moved four years ago the three months' hoist on this Bill, and I find that every one who voted against my amendment in committee to-day voted also against my motion for the three months' hoist. If an individual acted towards me as that company are acting towards their bondholders, I would not trust him again. I think we are shutting the English money market against ourselves in passing this Bill. Even if the Bill should pass, and the work should be finished, it can never be of the slightest advantage to any one in the country, and it is better that it should be sacrificed than the English market should be closed against this country when money for enterprises that are of some value is required. I really feel so very strongly upon this matter that I hope some person who is more able to express his opinions than I am will take it up, for I feel that the honour of the country is at stake in the passing of this Bill. I move in amendment that the Bill be not now read the third time, but that the following be added after the thirty-fifth line: "But that the said preferential bonds shall not take precedence of the outstanding bonds of the company, or of any liabilities which the said company may have incurred prior to the passage of this Bill."

Hon. Mr. KAULBACH—The amendment proposed by my hon. friend is similar to the amendment that he proposed before the committee to-day, and which I think was supported by but 5 members at a large committee meeting. If we pass this Bill my hon. friend says it will in the future prevent capitalists in England from investing their money in Canada. I think it will have the opposite effect. If we attempt now, by any means, to prevent this undertaking from going on, after an expenditure of three million five hundred thousand dollars, we will show that we are endeavouring to repudiate our obligations. The object of this amendment is to frustrate the Bill altogether, and to stultify ourselves, and make the people of England feel that they have no confidence in the future legislation of the country. We have by the subsidy we have offered, induced capitalists to go into this enterprise and invest their money, and if we now repudiate our agreement we will be acting in bad faith with those people. I believe the company have utilized only half of their borrowing power up to now. Suppose we should throw out the Bill, or amend it in the way proposed by my hon. friend from Halifax, it would practically defeat this Bill, as the money required could not be borrowed. If the new loan is successfully floated it will

give value to the stock held by those who have already invested their money. If we throw out the Bill, and by doing so ruin this undertaking, it will be forever a monument of the perfidy of Parliament in trying to get rid of an honourable obligation which we assumed, and by which we entrapped the capitalists of England into investing their money in an enterprise for which they believed they had the guarantee of Canada.

Hon. Mr. SCOTT—I have no desire to say a word that would in any way thwart the enterprise in which so large a sum of money has been embarked; but I have on former occasions spoken on the question of its feasibility, and I do not propose now to discuss it because it has gone too far. I must confess I am quite prepared to accept the opinions of those more capable than I am in this matter, who have asserted that the project is a feasible one and will be a benefit to the country. But I think a more important question has to be considered at present by the House. My hon. friend from Lunenburg has spoken a great deal about our thwarting the interests of the promoters—that we should be doing something almost criminal in defeating this resolution. We have not, however, before us a single tittle of evidence that this legislation emanates from the parties most directly interested in this enterprise. We have not any evidence before us that the bondholders are aware that this Bill is before Parliament. The petition for this Bill, which I hold in my hand, is dated the 4th May, 1892, a little over a month ago. There is no evidence whatever, and no gentleman was prepared to state to the committee that evidence could be furnished that a single bondholder or shareholder, other than the president of the company, was aware of this proposed legislation. Hon. gentlemen are all aware that in the beginning of the session we were exceedingly strict in enforcing the 51st rule of this House, which requires two months notice to be given of Bills before Parliament affecting the interests of individuals. It construed that rule very strictly in the first part of the session; but for one reason or other towards the end of the session excuses are made why petitions presented could not be presented earlier, and we seem to allow them to go through without examination. In this case the committee recommended the suspension of the 51st rule, and that allowed this legislation to come in without any notice whatever. I attended both meetings of the committee, and I failed to hear that any notice had been given by the promoters of this Bill to the shareholders. It is based upon a power of attorney, dated long after Parliament had been convened—I believe on the 12th April, 1892. That is the initiation of this legislation. That power of attorney is a very large one. It authorizes the president to come to Canada and make any arrangement with Parliament or with the Government of Canada in reference to the promotion of this work. Had it at that time been under consideration by the stockholders that preferential bonds were to be issued it would have been a very easy matter to have inserted a paragraph in this power of attorney stating that that is one of the purposes for which the president should come to Canada. All must admit that the authorizing of preferential security that will cut out the holders of the first mortgage bonds is a very unusual proceeding. I stated yesterday that so far no precedent had been found for such a proceeding. I found it necessary to go back 30 years for a parallel to the history of the Grand Trunk Railway when it was embarrassed, and when after serious discussions the old Parliament of Canada allowed preferential bonds to be issued. But the cases are not wholly parallel. Not only was notice given, but it was discussed on both sides of the Atlantic, and the Government of Canada came forward at the time and increased the value of the securities that were about to be offered In that Act provision was made for the payment of various securities.. Several hon. gentlemen who were in Parliament at that time will remember that we were donating considerable sums to the Grand Trunk, and were practically making compensation for the changes which were carried out under the Act of 1862. Therefore, it failed to be a precedent for this legislation, and in that particular case it is not to be presumed that ample notice was not given. But here we have not a scrap of paper to show that any notice whatever has been given in England of the application for this Bill. The ground on which it is asserted that the stockholders are aware of it was that the promoter said at a meeting of the committee that he would cable to the London *Times* and the *Financial*

News to insert a notice. The reason asserted why it was impossible to bring this matter under the notice of the original bondholders was that many of them lived in remote places and some were travelling on the continent. Do hon. gentlemen suppose that a notice put in the *Financial News* or in the London *Times* is sufficient for us to declare to-day that an Act of Parliament which solemnly asserts that the first issue of bonds on the franchise and assets of the company can be on a future day set aside by Parliament without the interested parties having anything to say to it? If that can be considered a wise and proper system of legislation, of course this Bill can go through this House as it went through the committee, with a rush. The hon. gentleman who proposed to draw the attention of the committee to this notice had some difficulty in doing so. I presume here, in view of Parliament, and in the presence of the press of the country, this question will be threshed out and the public, not only of Canada, but of the world, will learn that this Parliament has it in contemplation to displace the first securities of this company without the knowledge of the parties affected—to make the securities, on which dollar for dollar was paid, utterly valueless, without any kind of compensating advantage. I have myself suggested, with a view of meeting the promoters of this Bill, that as the Government had appropriated a considerable sum to pay the interest on these bonds, and as it was the bonds not under this Bill, but the bonds that we are now going to cancel that Parliament voted the sum of money to pay the interest on for the next twenty years, that this can hardly be considered fair, just or equitable legislation. It is quite true that three or four years ago we told the company that we would vote the sum of $170,000 a year for twenty years to pay interest on these bonds, and is Parliament now going to say, "We will repudiate our own legislation and at the instance of the president of the road, without the evidence of a single shareholder, without any evidence that there has been a meeting of the shareholders, repudiate our own act and say that the money we voted to pay interest on the first bonds shall now go to pay the interest on another class of bonds to be issued on a future day?" If we are to do that it is just as well that the people of Canada should understand the kind of legislation we are going to adopt. Hon. gentlemen say that if we do not pass this Bill the work cannot go on. If a meeting of the bondholders had been convened and the position had been explained to them, and they were told that it was unfortunate but that the money subscribed under these bonds was not sufficient to carry on the enterprise to completion, and it was absolutely necessary to make a new issue, I have no doubt that some arrangement could have been made—that some minimum form of interest could have been offered to them, and surely it would not have been unreasonable to say to the holders of these bonds, "You take two per cent on your bonds out of the Government subsidy, and allow the other issue to go through on the guarantee of the balance of the subsidy." It would not be an unreasonable proposition to say to those who had priority, "You consent to the reduction of your interest for twenty years." Some such proposition as that, if made and refused, would justify Parliament in intervening, if proof was furnished that the work was languishing, but here we have no evidence of any kind. I venture to assert that no gentleman can point to any legislation which has been sprung upon so small a foundation as the present Bill. When we come to consider the importance of this legislation and its bearing, not on this enterprise alone, but on future enterprises, on the credit of the country and on the reputation of Parliament, you will find that there is nothing to justify the action which we are asked to take. Is it not better to let this Bill stand over until all those interests are considered and consulted? This enterprise is new. Nothing like it exists anywhere else, except on a small scale. It is a project which will not be interfered with by postponing it for a year. I should only be too glad if the promoters had placed in the hands of Parliament the authority on which they ask for this legislation. It is unparalled, on the scraps of paper which I hold in my hand—a petition drawn up in the city of Ottawa, three months after Parliament had been convened—to ask this House to adopt such extraordinary legislation. No one will deny that it is extraordinary legislation when we are asked to supersede the first security. Some hon. gentlemen stated that it was not important because their security would be improved, but there is the principle laid down that the first mortgage can be cut out without the mortgagee being made aware of the fact.

I say it is infinitely better that this Bill should stand over for another year, and let the parties have a general talk about it themselves. It will do no harm to allow it to stand over and let them discuss the situation and arrive at a reasonable and fair conclusion, and if there are any obstinate men among them who will not consent to some modified course, let them come to Parliament and I am not prepared to say that I shall stand in their way. But I do say that it is dishonest on our part without the knowledge of the parties on the other side of the Atlantic, who are interested, to pass such legislation.

Hon. Mr. DICKEY—My hon. friend from Ottawa has repeated some of the arguments that he used before the committee, where he was heard at length, but he has stated a good many things here that he did not undertake to say in the committee in the presence of the promoter of the Bill, who was there to answer him.

Hon. Mr. SCOTT—They were asked for all the explanation they could give.

Hon. Mr. DICKEY—But the hon. gentleman asks, with the speciousness which peculiarly distinguishes him, that this House should put off the consideration of this matter for another year, that we might all come to it in a better frame of mind next session, and if these parties agree they can get almost any legislation they please. My hon. friend knows that in that respect he is dealing with the Bill in exactly the same way that he has dealt with this project throughout. It is done, not for the purpose of defeating this Bill merely, but for the purpose of defeating the undertaking, because this House last year fixed the 1st July, 1893, as the extreme time within which this work must be completed before they could claim the subsidy, and, therefore, when the hon. gentleman asks that we should put off this Bill until next year, he means to defeat the project. I must read his remarks by the light of what has fallen from the hon. gentleman who moved this amendment. I must say he was more candid than the hon. member from Ottawa, and he has been consistent in his opposition to this project from the very first. He has a right to his opinions, and has a right to oppose the project now if he likes. He gives us a key to understand what the effect of this amendment is intended to be. He has told us that his amendment will practically defeat the Bill. He replies, "Supposing it does, we will save $170,000 a year, and have that much money to devote to other purposes." That is to say, we will shirk our liabilities and repudiate our obligations to those people who have invested their money in this undertaking. That is the whole thing in a nutshell. The House treated this matter in a different way last year. An application was made to Parliament for an extension of time—for what purpose? In order that the company might have an opportunity to complete this work and earn the subsidy. The House deliberately extended the time, and my hon. friend suggests now that the House should reverse their policy and repudiate their obligations, and save $170,000 a year.

Hon. Mr. SCOTT—I never said anything of the kind.

Hon. Mr. DICKEY—My hon. friend knows that if this Bill is put off for another year the project will be defeated, because the company could not possibly get what they want next session in time to complete the project by July, 1893. The hon. gentleman knows it, because the hon. member who moved the amendment stated that the worst that could happen would be that the country would get rid of the liability of paying this subsidy. I had hoped better things of my hon. friend than that, because having once had the responsibility of office I thought he might look forward to the possibility of another term of office and that he might know what would be expected of him as a leader holding that high position. When the Government brought forward a Bill last year with identically the same object—to enable these people to complete their work, which they have been prevented doing by untoward circumstances—the Government gave them a fair chance, and when the hon. gentleman was charged with raising objections to defeat the project he indignantly denied it, and asked why he should oppose the enterprise. Yet, he now supports the senior member from Halifax when he moves an amendment which, if adopted, would defeat the project. A full explanation has been given of the necessity for this legislation. A statement was made before the Private Bills Committee by persons representing this company, who detailed all the circumstances under which this application was made—the failure of Barings, which had

occurred before the legislation of last year, and caused the application for an extension and induced the House to grant the extension as a simple matter of justice, and as they had been in the habit of doing in the case of almost every applicant for such legislation. It was also stated before the Private Bills Committee that attempts had been made since then to raise money, hoping that this tightness of the money market, caused by the suspension of the Barings, would be relaxed. Those efforts were continued until early in the spring, when they found they could not raise the money and that it was necessary to come here. It was also stated that finding they could not succeed, they called their bondholders and shareholders together, that they were scattered over such a wide area that the whole of them could not be got at, and the company therefore came before the House and asked permission to issue preferential bonds. My hon. friend says that it will wipe out the interest of the first bondholders. The application is made for the purpose of preserving the rights of the first bondholders. My hon. friend knows that that is the object, and that that will be the result, for this reason: these bonds all stand in the same position, the bonds for £700,000 sterling, half of which have been issued and the proceeds expended—that is to say, $3,250,000 altogether has been expended in this work in bonds and shares, but these all stand in the same position, and now they ask, as they cannot get at these individuals separately, to agree to this, that they should have the same power that this Parliament and other Parliaments have given in such cases, the power to issue preferential bonds for the purpose of inducing other capitalists to provide money, and as a matter of course the latter will receive their interest first and the other bondholders their interest afterwards. If this succeeds they will be in this position; it is not proposed to increase the capital or the amount of interest, it is simply proposed that the issue may be preferential for the present, and that they shall be paid their interest first and the others be paid afterwards, and the computation was made to-day in the committee that the amount would realize about four per cent, and all, as any one can see by figuring it up for himself, would receive a share. It is under that condition of things that the parties come here and apply for this legislation. Suppose they do not get it, where are those bondholders, for whom my hon. friend shows such tender affection, going to be? They will get nothing; their debt will be lost. Unless this is carried out they will be simply wiped out altogether. Then how shall we stand? We shall stand before the English public as refusing to give the same facilities to these people that Parliament has been in the habit of giving to others, and we must prepare for the consequence. I should like to see the gentleman who would walk up Threadneedle street and ask for a loan for a railway to the Hudson Bay, or the Prince Edward Island tunnel, or anything of the same kind. I should like to see my hon. friend from Prince Edward Island, who the other day suggested that it would be better for us to lay our hands on this $170,000 and repudiate our liabilities and defeat this project, I should like to see him after that walk up to the old lady in Threadneedle street and ask for a loan to bore a tunnel under the straits to Prince Edward Island. The truth would be, as well stated by the Premier last session, that it would be a deep injury to our credit if we interposed obstacles in the way of these people completing their undertaking honestly. Is it not evident that they are seeking this legislation for the purpose of completing their undertaking? It means just this, that they ask for power to spend something like a million and a half more in this country, to carry out that work, than they have already expended—that is to say $3,250,000. Under those circumstances, I certainly thought my hon. friend would have been a little more sparing in his comments on this transaction, for after all what is it? There have been several instances of a similar kind, but I will select only one. We have had what I have always heard spoken of in England as "the unfortunate Grand Trunk." It is possible, as my hon. friend says, that we may have an unfortunate Chignecto also, but if it is unfortunate we must try to keep our character and honour right. That is the important point. Whenever any one has talked in England of "the unfortunate Grand Trunk," I have answered in him in this way, "Have we not always given you every facility for raising your money and recuperating your undertaking?" The reply has always been, "Yes." That has silenced them. We commenced this sort of legislation in 1862 in old Canada, and what did we do then? We made a re-arrangement of

the whole of the Grand Trunk Railway securities and created first preferences, second preferences and third preferences. We did it exactly in the way we are doing it now. We inverted the order of things and made the mortgage bonds better than first preference. How was it done? In this way: We provided that the Act of 1862 shall not take effect unless accepted by a majority consisting of two-thirds in number and amount, &c. That is only two-thirds, not three-fourths of the shareholders as provided for in this case. At the instigation, as I understand, of the Minister of Justice, three-fourths of the bondholders are required, in this instance, to approve of it, so that they have a still greater protection. In 1867, 1873, 1874 and 1875 various amendments were made. It would be wearisome to go through the whole of them. I may be told that that was an Act of Old Canada, but in the year 1873, among other amendments, was clause 26 which provided that, "Except as in this Act otherwise provided and subject thereto, the several enactments of the Grand Trunk Railway Arrangement Act of 1862, and the several amendments thereof, so far as the same shall not have been already carried into effect, and the rights and priorities declared by that Act, shall be and remain in full force." There is a distinct recognition by the Dominion Parliament of the Act.

Hon. Mr. POWER—How much are those original bonds worth?

Hon. Mr. DICKEY—I read a statement in the committee to-day to show that the first preference was about 73 per cent., the second preference about 40 per cent., and the third preference about 25 per cent. The equipment mortgage bonds that were given preference by this Act were at 126 per cent, at the very top, and another, of 4 per cent. only, was 97 per cent.

Hon. Mr. SCOTT—They were secured on the equipment as a first charge.

Hon. Mr. DICKEY—Had Parliament not taken the responsibility of doing that, with the consent of two-thirds only of the persons interested, the whole Grand Trunk Railway would have fallen like a house of cards. It would never have been what, I do not hesitate to say it is—a blessing to this country. I do not know that I would be warranted in using such strong language as regards this other project, but I do say this, although it has not the sympathy of my hon. friend from Halifax—and Halifax seems to be the head and front of the opposition to this project—although geographically it was not convenient to make the terminus at Halifax harbour, I hope it will do its work by carrying the trade of the Gulf and River St. Lawrence over this narrow isthmus instead of through it by an extensive canal that was to have cost twice as much as this. We shall have to congratulate the country on a saving of 400 miles in going to United States ports down the coast, and something like 500 miles going to the southernmost part of New Brunswick, simply by making this short railway. Why should we deal out a different measure of justice to this company from what we did to others? I am speaking now on the broad, general aspect of this case, because the object of this amendment is really to defeat the Bill. The principle of the Bill is that there shall be a preference to the people that will raise the money that is wanted—money which the bondholders are not at present able or willing to furnish—and that those who provide the money shall have their interest first. That is all. That is but fair and right, and is exactly what was done with the Grand Trunk Railway. Why should it not be done in this case also? We must recollect that if we put our foot on this Bill and say that these parties shall not have the privilege that has been accorded to other companies we shall be destroying the work. If we establish this precedent, other companies which may find it necessary to increase their capital will be met with a similar objection. I was not surprised to find the opposition to this project coming from Halifax; but I am surprised and sorry to find a gentleman holding the position of leader of the Opposition taking such a stand against the Bill. Perhaps he thinks it belongs peculiarly to his office to oppose any Bill of the kind, because he knows it could never have been brought before the Senate if it had not received the sanction of the Government. We know that Bill after Bill of a similar character has been held in suspense this session until the Government could see that the public interest would be served by such legislation, and others have been rejected altogether; the promoters have been told that they could not be brought forward.

This Bill, I am justified in saying, has certainly not received the condemnation of the Government. Where does it come from? It comes from the House of Commons. Hon. gentlemen talk about money matters; it is true we have a voice in such matters; but who are the peculiar guardians of the public purse but the House of Commons? and the House of Commons have sent this Bill to us. They say: "We do not wish to take advantage of any technicality on the part of these gentlemen who have honestly put their money into this work. We will give them all the facilities they require. We gave the company last year an extension of time in order that they might be able to complete this work, and now we are prepared to give them the same facilities we have given to others." Under the circumstances, I think I am justified in expecting the House to do as the committee did to-day—ratify the action of the House of Commons and accept this Bill—and do themselves the credit to which I think they are entitled, and which I think my hon. friend would scarcely get for them if he could induce the House to reject the Bill.

Hon. Mr. PROWSE—The hon. gentleman who has just resumed his seat has given us a very long address on this important undertaking, and had he confined himself to the subject before the House, I should not have thought it necessary to make any observations at the present time. He throws out the idea that it would have been better if I had said nothing in opposition to this project, in view of the possibility of a tunnel being constructed between Prince Edward Island and the mainland. If I should be persuaded that the tunnel would be of no greater service to the Province of Prince Edward Island and this Dominion than simply to spend a few millions of dollars among our people, I should be the last man to advocate a tunnel there or anywhere else. In reference to this Chignecto Marine Railway, in speaking of the question the other day, I was cautious enough to express my mind with reference to how I should vote on the question. It still remains a question of duty whether it would be best in the interests of this country to vote against the Bill altogether, or vote for the Bill as brought in by the committee. I feel perfectly satisfied on this point, that as far as being a benefit to the shipping interests of this Dominion after it is completed is concerned, it will be a dead letter. I never anticipate seeing any number of our ships going down by that route to the Bay of Fundy. I have no doubt the people in that section of Nova Scotia are receiving to-day, and have for some years past been receiving a great deal of benefit by having these millions of dollars spent among their people, but it is our duty to look beyond that and at the future of this country, and see if the project is likely to be a success, and if it is not going to be a success we should not encourage it. If it proves to be unsuccessful, and the bondholders are deprived of their legitimate income, I think our credit in the old country will be injured just in proportion to that. In the long speech that we had from the hon. senator from Amherst, I should like to have had a list of the shipowners that have taken stock in this company, and the number of ships that are likely to go by this route—a statement under the hands and seal of the great shipowners of this Dominion and of the Empire. I should like to have seen the great shipowners of Nova Scotia who have taken stock in this enterprise, and who hold the bonds of this company. I have been told (whether it is true or not I do not know) that there is not a dollar of the stock taken in Nova Scotia by the shipowners there.

Hon. Mr. DICKEY—I believe that is correct—all English money.

Hon. Mr. PROWSE—Is it possible that this enterprise has been promulgated, and put before the country in the peculiar interests of our shipping, and still not one shipowner in this Dominion or this Empire has taken a dollar's worth of stock in the enterprise? Does not that of itself induce every man to look on the matter with great suspicion? Then another point: This company was authorized some few years ago to issue a certain amount of bonds. They only placed a portion of the bonds on the market. Why did they not put the whole of the bonds on the market at the time? They were holding back for what? The statement is made that they did not require all the money at that time, and that this money would be lying idle, but surely they would have got something for the money if they had deposited it in a bank. They should have taken advantage of the money market at the time and placed their bonds on the market, and put the money in a bank, from which they could

have received some amount of interest; but no, they placed just half the amount of those debentures on the market and got them cashed, and then when they want the balance what do they do? They do not take up those bonds themselves, neither the stockholders nor the bondholders. In the first place, they came here last year for an extension of time and got it. They did not say anything then about not being able to put their bonds on the market. They now come and ask for the privilege of putting preferential bonds on the market, and that means depriving a portion of the bondholders of every dollar of money they have put in the enterprise. If any of the bondholders or stockholders have faith in the enterprise, why do they not take up the remainder of the bonds under the law they have already? There is £350,000 sterling yet to be taken up for which they require no legislation. They say that there are a certain number of bondholders who cannot take more bonds, and they will get the whole of them at a greatly reduced price, probably fifty per cent less than their face value. They will exclude the poor bondholders—place them at a disadvantage so that they will lose their interest anyway. As to the amendment that is now before the Senate, I do not see that I can vote for it because it looks to me a very inconsistent one. Here is a Bill to give to this company the right of issuing preferential bonds, and the amendment says that these preferential bonds shall not be preferential bonds. I would rather vote directly in favour of the six months hoist, so that the company and the bondholders may have an opportunity of putting their heads together and making an arrangement as suggested by the leader of the Opposition. The hon. gentleman thereon advanced very reasonable views on this occasion. I very seldom approve of or follow in the line laid down by the hon. leader of the Opposition, but in this case I think he has given very good reasons why we should make haste slowly in passing this Bill. My opinion is in any case, whether the project becomes a success or not; whether this Bill is passed or not, we will never see the value of one dollar in this Dominion by the construction of this work even if it is completed.

Hon. Mr. VIDAL—As a member of the committee who reported favourably on this Bill. reporting it without amendment, I feel that I can scarcely allow the strictures of the hon. member from Ottawa to pass without expressing my dissent from them and challenging their accuracy. The impression that his remarks would necessarily make upon the House is that the committee has acted in the most extraordinary manner in passing this Bill without making any investigation as to the propriety of that course being adopted and without knowing the sentiments or wishes of the parties more particularly interested in it. Now, he did not mention the fact that it came to the knowledge of the committee that so far back as the month of February it was very evident to the directors and creditors of the railway that the enterprise must come to a standstill unless some means could be devised of raising funds to carry it on to completion. That being the position, there were meetings held in London, England, of the directors, and the creditors also, as we were informed, and these parties appointed the president of the company their special agent and directed him to come out to this country and make the best arrangements he could, giving him very full powers indeed—absolute power, in fact, to take every step which has been taken in accordance with the desire of the directors, and that has been carried out by the document presented to this House—the petition and power of attorney. The petition presented bears the seal of the company.

Hon. Mr. SCOTT—No; it is a petition got up in Ottawa and signed in Ottawa.

Hon. Mr. VIDAL—I understood it was a petition from the company.

Hon. Mr. SCOTT—No; what I said was that a general power of attorney had been given to Mr. Proband when he came to Canada, and when he came here he thought this was the best thing he could do for the company.

Hon. Mr. VIDAL—that is a technical objection. The petition is signed under authority of an ample power of attorney, and justifies the course taken here.

Hon. Mr. VIDAL—Can hon. gentlemen conceive for a moment that the parties who hold these bonds, having a large amount of money invested in this affair, will allow themselves to remain in ignorance of the

condition of the work and its prospects of being carried on ?

Hon. Mr. SCOTT—I do not think Mr. Proband is even president of the company ; I am told he is not, but simply holds a power of attorney from the directors.

Hon. Mr. VIDAL—I do not know that this affects the case. I think on the committee both the hon. gentleman and myself believed he was vice-president of the company.

Hon. Mr. SCOTT—Yes ; I believe we did.

Hon. Mr. VIDAL—He is the bearer of a document, by which legal and proper authority he is invested with full power to do whatever has been done. Is not that sufficient in law and sufficient in common sense to justify the action he has taken ? Then I say, apart from that, that the position of the company was well understood ; that the prospect of losing all that was invested in the works stared them in the face, and they made this provision to send this gentleman out here to do the best he could for them, and petition Parliament to grant whatever assistance could be obtained for the purpose of carrying out this scheme——

Hon. Mr. SCOTT—It says nothing about preference bonds.

Hon. Mr. VIDAL—That does not affect the argument which I am endeavouring to bring before the House : that the people interested are not taken by surprise ; that we are not taking away the rights of people who know nothing at all about what we are doing. If my hon. friend simply wishes to protect the interests of these people, why not propose an amendment to the Bill, that it should not take effect until it is approved by a certain number of these bondholders.

Hon. Mr. DICKEY—It requires three-fourths by the provisions of the Bill to approve of it.

Hon. Mr. VIDAL—With such a clause, providing that the Bill shall not come into operation until it is accepted or ratified by the bondholders, of course it would pass ; but what limit would the hon. gentleman attach to that consent ? Would this House require that every bondholder must be a consenting party to that arrangement ? Is it not amply sufficient to say that a two-thirds majority should be sufficient to authorize such a change being made as is provided for in this Bill ? But I understand, from what has been said, through the counsel and the intervention of the Minister of Justice, the proportion has been increased to three-fourths of these very men whose interests are apparently requiring protection, and in whose interest the hon. gentleman from Ottawa is so very warm and earnest. Three-fourths of them must consent to the proposed issue of preference bonds before this Bill can take any effect whatever. Is not that sufficient protection ? Will he say there should be more than three-fourths ? I am sure if the hon. gentleman himself were framing the Bill he would consider that sufficient. I hold that these people are amply protected, and that they have been kept well informed of these proceedings.

Hon. Mr. DICKEY—They have the option of taking these bonds themselves by the provisions of the Bill itself.

Hon. Mr. VIDAL—Their interests are as amply protected as we have ever protected any interests in this House. Under such circumstances I hold that they are not ignored ; that we are not acting without their knowledge and against their consent, or without their consent, and that their interests are sufficiently guarded. An argument has been adduced here, which I must confess to have perfectly shocked me to hear on the floor of this House—the argument that by refusing this Bill and allowing this scheme to go to the wall, we would save to the country a large amount of money for so many years—an open offer to this House to adopt a kind of repudiation, which, if made in any other country, we would look upon with horror. The idea of the Parliament of Canada having induced capitalists in the mother country to put three millions of dollars into this enterprise, which is well on toward completion, and then to say that the Parliament of Canada refuses to grant them legislation required to enable them to carry out their undertaking, certainly it would be considered, that doing so to save the grant that Parliament proposed to give them for twenty years, a blot on the honour of Canada that would prevent capitalists abroad from making investments in this country. It appears to me that it would be taking a most undue and mean advantage of the necessi-

ties of these people with a view of saving a few dollars to the country, and at the cost of the honour and the credit of our Dominion. Seeing that the amendment which has been proposed is a direct negative of the principle of the Bill, a principle which has been formally assented to by this House at its second reading a few days ago, it is the bounden duty of the Senate to carry out that principle and support this Bill.

Hon. Mr. WARK—I think the proposal now before the House will have just the same effect as to throw out the Bill altogether. You might as well move the six months' hoist as propose this amendment. The hon. gentleman from Ottawa has assumed that there would be no harm and no injury to the company to suspend their work for a year. If he was as well acquainted with the Bay of Fundy as I am, and with the tides there, and the quicksands, he would know that a year's suspension might be the ruin of the half finished works now in course of construction. It is a singular thing that the opposition to this scheme, which is to benefit Nova Scotia, should come from Halifax. Of course, this work affords facilities for shipping through the Bay of Fundy, both from New Brunswick and Nova Scotia coasts, and their intercourse with the St. Lawrence, Quebec and Montreal. I know what benefit it is going to be to the people of Halifax, and the vessels leaving the Bay of Fundy and sailing round the rocky coasts of Nova Scotia, through the thick fog there, when they can be set down, without any risk, in the clear waters of the St. Lawrence at an expense which is supposed will not be excessive. Hon. gentlemen assume that this undertaking will never pay. We have heard that assumption about other undertakings. The same was said about the Caanadian Pacific Railway, yet it is paying, because it is a fact that a large amount of traffic has been found for it which was not expected. This undertaking may also attract, and may create a certain amount of business which is not now in existence, and cannot be in existence. The hon. member from Ottawa has said that we cannot show a precedent for such legislation as this. Neither can we show a precedent for the Government and the Legislature of Canada giving a pledge for a certain amount of money to be paid when a work was accomplished, and when that work was almost finished to repudiate the obligation, and refuse such reasonable assistance as is asked under those circumstances to complete the undertaking. He cannot show such a precedent as that. As regards the bondholders, it has been very well explained that the bonds held by the present bondholders are not worth the paper they are written on if the work is suspended altogether. The only way then to get paid is by having the work continue, and I think the prospect is that the work when finished will give them good interest. I think a subsidy of $170,000 a year for twenty years will give them good interest, taken in connection with the earnings of the road, on the bonds that are about to be issued, and on the bonds already issued. This is not like an undertaking that can be closed up, and the assets sold, and the proceeds distributed amongst the creditors. If the work is suspended the whole outlay must result in a dead loss, and I hope the amendment will not be accepted, for it will not be to the credit of the House to accept it.

Hon. Mr. POWER—This Bill has been discussed at sufficient length, but there is one point to which I would direct the attention of the leader of the House, that is the character of the proceedings which have taken place. In the first place, we are very particular, and always have been very particular, in seeing that all parties whose interests are likely to be affected by any private Bill shall have notice of the fact that the Bill is pending, and I shall direct attention to a very recent instance where a serious change was made in a Bill —the Bill introduced by the hon. gentleman from Rideau Division. The bridge provision was struck out of that Bill because the *Canada Gazette* contained no notice of the intention to build it. What notice has been given to the bondholders and shareholders in London with respect to this legislation ? It was stated before the committee, and I presume it was stated correctly, that an advertisement had appeared for about a month in the *Canada Gazette*. It was alleged in a sort of general, but not a very positive way, that notice had probably appeared in the London *Times*. It was stated that notice had been cabled over to the London *Times*. I am informed that since the meeting of the committee a careful search has been made in the files of the London *Times* from the 16th to the 21st of May,

the time when this notice should have appeared, and that no notice can be found in the *Times*. I ask the hon. gentleman from Sarnia if he thinks the bondholders in this case have had sufficient notice? There is no evidence that the bondholders have had any notice whatever of this legislation.

Hon. Mr. VIDAL—Three-fourths of them must agree to it before it is of any value.

Hon. Mr. POWER—That is not the question. The hon. gentleman has stated that there is no ground for the contention that these bondholders are taken by surprise, and that this legislation is taking place without their knowledge. It was alleged before the committee that there had been a meeting of the shareholders and certain of the creditors of the company in London, and that at this meeting instructions had been given for the introduction of this legislation or similar legislation. The professional gentleman who appeared before the committee was requested to read the resolution which was adopted —this is a very important matter—at the meeting where the application for this legislation is supposed to have been sanctioned. What does this resolution do? Does it authorize the representative of the company to apply for such legislation as this? Not at all. It is to the effect that the existing bondholders, who had taken £350,000 of these bonds, should be requested to subscribe for the remaining £350,000 of these bonds. That is a very different thing from what we have here. There is no evidence that the people in England are aware of the character of the legislation that is now asked for. I should like any hon. gentleman to point to a precedent for such legislation as this. The only evidence we have showing that there is any authority whatever for introducing this Bill is the power of attorney from certain of the directors in London to Mr. Proband, who, I believe, is also a director. I am satisfied to submit this power of attorney to the hon. Premier, and to take his opinion as to whether it authorizes the application to Parliament for such legislation as is asked for in this Bill. I am not going to trouble the House by reading the document, but I cannot find anything in it that justifies the application for the legislation that we have before us to-day. I think that we should pause for some considerable time before endorsing the very peculiar proceedings which have been taken by the promoters of this Bill. It was said by the hon. gentleman from Amherst, and, I think, by the hon. gentleman from Sarnia, that in this Bill greater security is given to the bondholders than there was in the Grand Trunk Railway Company's Bill; that in the latter two-thirds of the bondholders were allowed to ratify and in this case it requires three-fourths majority. But what is the fact? In the case of the Grand Trunk Railway Company it was two-thirds in number and in value, and in this Bill it requires the approval of two-thirds in value of the shareholders present at the meeting, and the authority of the bonds has to come from three-fourths of the bondholders in value, that is to say, the big fish are to swallow the little fish, and the people who have not the money to subscribe for another lot of bonds will be, to use a slang expression, "frozen out."

Hon. Mr. VIDAL—My object is to save them from loss.

Hon. Mr. POWER—My hon. friend has a very curious way of doing so. The hon. gentleman from Amherst suggested that the existing bondholders had the option of taking the bonds; but to say to a person who has no money that he may take a certain number of bonds which are to be sold at £25 each is rather cruel irony. If he happens to have the money he can do it, but if he has no money he cannot. Great stress has been laid upon the question of breach of faith. I feel that in rejecting this Bill Parliament would be guilty of no such thing. Parliament has given to these people every thing they have asked for up to date. Is it to be contended that no matter how unreasonable the request of these promoters may be, no matter how long or how utterly they may fail to carry out their promises to the country, we are still to keep helping them to hang on like leeches to the public treasury? We have done everything they have asked for up to the present time; and now that they ask us practically to allow them to confiscate the property of some of their smaller fellows, I do not think it is legislation that should commend itself to this House.

Hon. Sir DAVID MACPHERSON—The chief objection to this Bill, as I understand it, is the want of the usual formal notice.

This notice having been regularly disposed of under the rule of the House the next objection is that we are legislating away the interests of parties who are ignorant of what we are doing. I think it is perfectly futile in the present day to say that any great interest held by people in England can be legislated away without their knowledge. In these days of rapid steamship communication and cable messages, depend upon it that no man who is interested to any extent in these bonds is ignorant of what is being done. I think there need be no apprehension of our doing them any injustice by the legislation that we propose under this Bill. This Bill does not insist upon the bondholders accepting it. It requires, to become operative, the consent of three-fourths of the bondholders. There is surely great security in that. Then what will be the effect if we do not pass this Bill? It is admitted on all sides that the time within which the company will be entitled to their subsidy from Canada must expire before they can have legislation to enable them to raise money to complete the work unless they get it this session. Now, is it right for us to withhold that legislation? Is it right for us to say. "If we withhold this Bill for another year we shall save the Treasury of Canada $170,000 for twenty years?" We should remember that it is under legislation of our own that the money expended in the construction of this work was subscribed, raised and expended, and now to turn on these people and say, "You have expended all your money; you require to get a little more, but we will defer the consideration of the Bill to enable you to raise money for another year when we know it will be then too late." I hope that this House will not accept a proposition which, I think, will be generally considered, not only in this country but in England, as unworthy of the Parliament of Canada.

Hon. Sir JOHN CALDWELL ABBOTT—This is not a measure which can be called a Government matter, and I did not intend to say anything on the subject, and, perhaps, as my motive is only that there may be a clear understanding of what we are voting upon, it is unnecessary in reality for me to open my mouth on it at all. But to some extent the Government is responsible for the regularity of the proceedings in the House, and as the hon. gentleman from Halifax has challenged the views of the Government on the subject, I venture to detain the House a few minutes in regard to it. My hon. friend on my left has very succinctly answered the difficulties which have been raised on the other side with regard to this Bill. In the first place objection is taken to the want of the usual notices. As my hon. friend has said, that has been disposed of by the House on the report of the Standing Orders Committee. To go beyond that what is the object of that notice? The object of the notice is to enable those persons whose interests are likely to be affected by the Bill to make opposition to it, and to prevent, if possible, its passage. If the Bill by its provisions makes unnecessary this previous notice, it has been a recognized rule in this Parliament—and it has been the practice ever since I have been a member of this House—to receive petitions which have been presented in a case of urgency, and to dispense with the previous notice, provided that precautions are taken by the Bill that the persons interested do not suffer. The consent of the parties interested, as it appears to me, may be given either before or after the Bill is passed. If they do not object when notice is regularly given it is presumed that they consent, and the Bill is passed. If after the Bill is passed without notice, the matter is left to them for their consideration; for them to say whether the Bill shall come in force or not; it seems to me it is a perfectly fair substitute for the ordinary notice the House requires. Now, with regard to the provision for the protection of these persons, the Bill itself, it seems to me, affords them ample protection. It is required that before the Bill comes into force authorizing the creation of new securities it must receive the sanction of three-fourths in value of the bondholders. Look at the circumstances under which this provision is inserted? The company has suspended its operations. It is a matter of notoriety which every man in the House knows, that unless the company can make some fresh arrangement it will be unable to proceed with its work, and as no part of the subsidy is payable until the work is completed, and found to be satisfactory, then the bondholders, great or small, will lose every dollar they have put into the enterprise. It is not the kind of enterprise, as my hon. friend from Fredericton says, where the assets can be collected and

sold, and the proceeds divided amongst the parties who have furnished the money, so that they will get some reasonable return, if they are not absolutely successful in their undertaking; because this unfinished railway lying in the condition in which it now is, is worth nothing but the price of the old iron which is laid on the track. Then what becomes of these bondholders? The hon. gentleman from Halifax interested himself very much for these bondholders; so did the hon. gentleman from Ottawa. If the Bill passes, and if they accept it, and it is successful, the bondholders will probably get their interest paid from the earnings of the enterprise, together with the subsidy which the Government has granted to it. If the Bill does not pass; if the stoppage of the work becomes chronic, not one of them will ever get a cent. The proceeds of the iron rails will not pay the expenses of liquidation; so that, in point of fact, the measure is in the interests of every bondholder, be he great or be he small. I mention a fact which is, perhaps, not generally known, that this gentleman, Mr. Proband, waited upon the Government when he came to Canada and represented the position of affairs, and the injury it would cause to Canadian credit, and so on, and asked, and consulted in fact, members of the Government, as to what possible mode of assistance could be afforded by the Government. It was suggested that these bonds, which they stated, in the condition of the undertaking, could not be floated at any price, should be purchased or advanced upon by the Government, and that undoubtedly was the object with which Mr. Proband came to this country. But, of course, the Government could not commit themselves to take any such part in the enterprise, and relief of that kind was declined at once. Then what remained for these people? If they could not float the bonds then on hand—some £350,000—if they could get no money whatever on these bonds, what were they to do? The next best thing to do, they imagined, and I think they were perfectly right in it, and it is by no means a new project, was by some domestic arrangement amongst themselves to get the privilege of making a preferential issue, which would have greater advantages as to its chance of being floated in the money market than the issue which formed a portion of one of double the amount; and that is the step which they take here before this Parliament. Mr. Proband, with full power, and being also one of the directors of the company, was sent out here by the board to try to effect some kind of an arrangement or re-organization, and this was the plan which after consultation, no doubt, he decided was the one most likely to be effective. It is purely a domestic matter with the company. It is not a matter which the Parliament or the Government of the country can be said to have a legitimate interest in, because the only interest they could have would be to see this enterprise broken down, and thereby save the money which they agreed to pay if the enterprise was successful, and that is an interest which, I think, we can hardly set forth as the motive for the policy of a country desiring to preserve its credit and reputation in the world. Apart from that, I say, the Government has no interest in the matter. It is a domestic affair which these bondholders and shareholders should be allowed to settle among themselves. This is the plan which their accredited agent has put before us. This is the best one, it is to be presumed, that could be devised. It seems to me that Parliament has taken the proper course in regard to that. But it is said that they have given no notice to the bondholders; their assent cannot be presumed from the absence of opposition to this Bill; but we say in this Bill we will give them the power to carry out this measure, provided they get the assent of three-fourths of their bondholders. The Bill confers no power to do away with the bonds to the amount of one cent, until a proportion of the bondholders, generally considered sufficient, has assented to that line of action. My hon. friends say that there is no precedent for this kind of legislation. I think it would not be very difficult; I have not looked into the matter specially to refer to a great many precedents. I think it would not be an extravagant thing to say that every year since Confederation there has been legislation infringing on the rights of persons holding interests in corporations where the position of the corporation is imperilled by giving a majority of the holders of those rights the power of placing securities ahead of them.

Hon. Mr. SCOTT—The promoters were not able to point out a similar case. The Grand Trunk Railway is not a similar case.

Hon. Sir JOHN CALDWELL ABBOTT—It may not be possible to point out an absolutely similar case; but these things are governed by a principle. I think I would not be wrong in saying hundreds; but there are dozens of cases on the Statute-book where the majority of shareholders in a corporation are allowed to deal with their securities by placing others ahead of them in the common interest. My hon. friend from Amherst quoted the case of the Grand Trunk Railway. This session, I think, or at all events last session, we did a thing that involved precisely that principle for the Canadian Pacific Railway. The Canadian Pacific Railway Company had then a fixed issue of stock. The interest of those stockholders clearly was that the securities which preceded them should not be increased, yet last session we gave the Canadian Pacific Railway Company the right to issue securities prior to the stock.

Hon. Mr. SCOTT—Ample notice was given.

Hon. Sir JOHN CALDWELL ABBOTT—I am not speaking of the notice. My hon. friend must not confuse the two subjects. My proposition is that if there has not been notice, the assent of the parties interested is required before the Bill can take effect. Now, the question is whether the provision in the Act to protect the persons who are to be affected by this legislation is sufficient to warrant us in saying that the parties interested sanction what the Act proposes to do. I am quoting precedents to show that this House constantly acts on the principle that, if, for the benefit of an enterprise, a very large majority of the holders of securities consent to a measure of this kind, when the company creating those securities is in difficulties or trouble of any kind, the whole of the holders are bound by that consent to submit to a preferential security being issued ahead of them. I say we did it last session. I can recall to my hon. friend a case which he knows as well as I do myself—that of the old Brockville and Ottawa Railway.

Hon. Mr. SCOTT—It was with the universal consent of the shareholders. I know, because I had charge of the Bill. It was on condition that the first mortgages would build an extension of the road.

Hon. Sir JOHN CALDWELL ABBOTT—I have no doubt it was. But at the same time it was not with the universal consent, because ten years afterwards, when the Brockville and Ottawa ceased to exist, persons who had never heard of the arrangement were compelled to abide by the legislation, and it was so settled in court. In that case there were two classes of securities certainly—stock and bonds.

Hon. Mr. SCOTT—I had charge of the Bill.

Hon. Sir JOHN CALDWELL ABBOTT—I am aware that my hon. friend knows all about it.

Hon. Mr. SCOTT—It is not similar to this case at all.

Hon. Sir JOHN CALDWELL ABBOTT—The facts are not, but the principle is exactly the same. They lumped the stock and bonds all together, and provided for a new issue of stock, and gave the stockholders ten cents on the dollar, and the bondholders fifty cents on the dollar, if I remember correctly.

Hon. Mr. SCOTT—The first bondholders took fifty cents on consideration of their extending the road further, and the ordinary shareholders took twenty-five cents.

Hon. Sir JOHN CALDWELL ABBOTT—The fact was as my hon. friend admits. The bondholders and stockholders were all jumbled up together, a new issue of stock was made, and they got new stock, none of which had any priority whatever, so in that case the bondholders gave up all priority and took new stock holding precisely the same rank, only in larger proportion. Afterwards, when the Brockville and Ottawa road was amalgamated with the Canada Central, there was some similar transaction, and when the Canada Central sold to the Canadian Pacific Railway Company the bondholders got fifty cents on the dollar.

Hon. Mr. SCOTT—That was the old arrangement carried out.

Hon. Sir JOHN CALDWELL ABBOTT—I am not making any distinction as to the age of it, but in point of fact that was the arrangement. The price given for the Canada Central was sufficient to pay only fifty cents in the dollar on the bonds, and the bondholders were called upon to say whether that should be carried out or not. By a majority of two-thirds probably, the arrangement was carried out, and they got their fifty cents in

the dollar. These are cases that I happen to know, but I am perfectly certain that an investigation of the statutes would show that it has been constantly the practice of Parliament to act upon the principle which I say is the principle governing this Bill—that when the interest of all parties require a sacrifice by a class of security holders, the consent of a large majority of that class of security holders is always considered sufficient to justify the impingement upon their security. That is the principle upon which Bills innumerable have been passed, and I think it is a just and proper principle. By what right would a small proportion of these bondholders, through misunderstanding, or "pure cussedness," refuse to give the large majority of the bondholders the right to make the whole of the bonds valuable by some process or other, or be allowed to take a course which would result in the loss of the money expended, and the whole of the money invested in the bonds being rendered entirely valueless? I say if there had been a notice published in every paper in the United Kingdom, and one-quarter of the bondholders had come here and said, "We will not allow this transaction to go on, although three-fourths of the bondholders want it"; although the circumstances of the company demaded it, and although it will give the whole of the bonds a value they did not previously possess, Parliament would have disregarded their objection, if they were satisfied that it was in the interest of the whole of the bondholders that the Bill should be put through. Now, that is the position of affairs at present. So far as Parliament can judge, it is in the interest of the bonds, and of the whole enterprise to make a preferential issue. The bondholders are to be called together, and if three-fourths of them do not declare that they want this Bill for the preservation of the interests of the bondholders generally and of the company it will not be law. So, I really think, though it is not a matter in which the Government have any special interest, that in accordance with our practice, and the principles which have hitherto guided our legislation, we ought to allow these people to make this domestic arrangement if they think proper.

Hon. Mr. SCOTT—The main objection that I took was that the matter was not first submitted to the parties interested. In the cases cited it was submitted to the interested parties first. In the case of the Grand Trunk Railway, their president came to this country the year before the legislation was asked for, and afterwards a meeting of the bondholders unanimously adopted the legislation which was asked for. The cases are not parallel.

Hon. Mr. DICKEY—There was a preliminary understanding, and yet the Act, before it went into force, required the assent of two-thirds of the bondholders.

Hon. Mr. SCOTT—The statute says that the resolution was unanimously passed at a meeting of the shareholders in London.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will not deny that three-fourths of the entire constituency is better than a unanimous catch vote of the parties who happen to be present at a meeting.

The Senate divided on the amendment, which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

Almon,
Chaffers,
Grant,
McCallum,
Pelletier,
Power,
Scott.—7.

NON-CONTENTS :

Hon. Messrs.

Abbott (Sir John Caldwell),
Allan,
Armand,
Bellerose,
Bolduc,
Boulton,
Casgrain,
Clemow,
Cochrane,
DeBlois,
Dever,
Dickey,
Dobson,
Drummond,
Flint,
Girard,
Glasier,
Guévremont,
Kaulbach,
Landry,
McKay,
McKindsey,
McLaren,
McMillan,
Macdonald (*Victoria*),
Macdonald (*P.E.I.*),
MacInnes (*Burlington*),
Macpherson (Sir David Lewis),
Masson,
Merner,
Montgomery,
Montplaisir,
Murphy,
O'Donohoe,
Perley,
Prowse,
Sullivan,
Vidal,
Wark.—39.

The Bill was read the third time and passed.

BILL INTRODUCED.

Bill (68) "An Act to revive and amend the Acts respecting the Ottawa, Waddington and New York Railway Company." (Mr. Vidal.)

The Senate adjourned at 5.50 p. m.

THE SENATE.

Ottawa, Friday, June 10th, 1892.

The Speaker took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE ALBERT SOUTHERN RAILWAY COMPANY.

MOTION.

Hon. Mr. POWER (in the absence of Mr. McClelan) moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a return of subsidy paid the Albert Southern Railway Company, showing the dates when paid, and to whom paid; also, copies of all correspondence in reference to the payment of the said subsidy, and of all letters or telegrams asking for payment of same or relating thereto; also, copies of all returns or reports of Government Engineers or Inspectors, who inspected or reported on said road.

He said: It seems that there was some difficulty with respect to the payment of the subsidies to this company, and I think there was some doubt as to whether the subsidy had been earned. I presume there will be no objection to the hon. gentleman getting the information he seeks.

The motion was agreed to.

THE WELLAND CANAL INVESTIGATION.

MOTION.

Hon. Mr. McCALLUM moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a copy of all the evidence taken at the Welland Canal investigation, before A. F. Wood, Esq., Commissioner, held at St. Catharines, in the year 1889.

He said: This is not a new subject. You have heard me express myself on this question in this House on a former occasion. I am not going to-day to repeat what is already of record. I moved in this House on the 26th April, 1889, for an inquiry into the mismanagement of the Welland Canal. A commissioner was appointed to take evidence in reference to the charges I made. I may say, in the first place, that I urged the Government strongly to suspend the parties against whom I had made the charges, whilst the investigation was going on; but I was not able to induce the Government to adopt my views on that occasion. That was a long time ago. The commission was appointed in 1889, and the evidence was taken that same year. I think I have done my duty so far in trying to get the Government to act on the evidence taken and the reports made by the commission at that time, although I say here, as I said before without contradiction, that the commissioner had not done his duty; that he had thrown the mantle of charity over these people, and had suppressed evidence that ought to have been taken to reveal the iniquities that were carried on on the Welland Canal. That report has been before the Government for the last two years, and I cannot get them to act on it. Why they have not done so, I do not know. Is there any power behind the throne that keeps this thing back? There must be something. I said on a previous occasion, speaking in this House, that I did not think the Government had anything to hide, and I say again that I do not see why they should have anything to hide in this matter; but I cannot get them to act, even on the partial report made by the commissioner. That gentleman made two reports, I am not sure but he made three, and hon. gentlemen know what difficulty I had to get the second report laid before the Senate. Now, I begin to think there is an Ethiopian in the fence somewhere, or a power behind the throne. I have supported this Government all my life. I have supported the Government, not expecting to get anything from them, but because I believed that it is by the policy of the Conservative party that this country is to prosper; but I am not going to support them in doing what is wrong. My duty as a strong Conservative is to show the Government why it is that a public work in this country has been mismanaged. I know that the hon. gentleman at the head of the Government to-day cannot blame me in this matter. I have told him time and again that if he did not dismiss those parties who have been found guilty of misconduct, on the evidence taken before the Welland Canal Commission, that the evidence should be published to the world. I moved once for a copy of this evidence, but at the request of the Premier I withdrew that part of my motion. I moved for the second report made by the commissioner. I

withdrew the part calling for the production of the evidence, and I can do no better than read what the hon. gentleman requested me to do, to show you that I acted on his suggestion only. I have given him one year's more grace than he asked for. He said it was my duty if I found that the Government did not do what was right, to bring the matter up next year. Hon. gentlemen will remember that the country sustained a serious loss last year, which we all regret. I felt then, when there was a change of Government, and when the hon. gentleman was appointed as leader, that he was pressed for time, but I had an assurance from the Government, and from the hon. gentleman himself, that they would look into the matter. But what do I find to-day? I find that I am in the same position to-day that I was in two years ago. I will read what the hon. gentleman said. I am sure I am not here to find fault with him: I am only asking him to do his duty. He is not at all backward himself in telling the Senate when he thinks we are not doing our duty, and when we ask for an adjournment, when we have nothing to do here, that we should accept half of our indemnity. Is the hon. gentleman himself ready to forego half his salary if he does not do his duty? I can tell him that if the Senate of this country is going to stand it, I am not. I can tell him that the Senate are not afraid of the people. The Senate stands well before the people. If the Government take the money that the Senate has saved to the Dominion, and compute the interest at 4 per cent. it will be found to be sufficient to pay the expenses of the Senate for all time to come. He must understand that we are not going to allow ourselves to be whipped with a lash, and if we ask for an adjournment be told that we must attend to our duties or accept half our indemnity. Is the hon. gentleman ready to tell the people of the country that he will take half-pay if he does not do his duty? I do not wish him to do it: I know he is working very hard, and I have every confidence in him, except on this question, and on this question I have no confidence whatever in him, because he has, to a certain extent, I will not say deceived me wilfully, but he has not treated me with fairness. I support the Government not because of any favours I receive from them, but because I believe they have the interests of the people at heart. I believe it is under the rule of the Conservative party this country is going to prosper, but I am not going to stand here and be told if I support an adjournment, and want to go home and see my family, that I should notify the Government that I am prepared to accept half my indemnity. If the Government do their duty I do not begrudge them what they receive, or even if they take more. I can point out to hon. gentlemen, before I sit down, where the country is losing money by the inaction of the Government, even by the report of this commissioner, who has broken all the commandments in order to shield these men. I can do no better, in proving to you that I have acted as the hon. gentleman who was then leader of the House and is now Premier asked me to do two years ago, than to read what the hon. gentleman said:

"I lay on the Table the second report which my hon. friend asked for, as I told him I would; but as to the evidence, I submit to this House that the Government should have an opportunity of reading the evidence and determining upon the conclusion which it is to come to upon that evidence, before publishing it or laying it before the people."

I think they had time enough, that was on 1st May, 1890, over two years ago. He continues:

"The proper course, undoubtedly, is for the Government to make up their minds what they propose to do; then if my hon. friend or any other member desires either to criticise the decision of the Government, or to ascertain whether, in his opinion, the Government have done right or wrong, of course it will be perfectly competent for him to move for this evidence, and if the House sees fit to order it, to have it laid on the Table."

If the Government have come to a decision, I am ready to criticise their decision to-day, but they have not come to a decision yet, as I understand it. The Government have had the evidence before them. I know they have been driven with work a good deal, but they have plenty of men about them who can read this evidence and report on it. Here I stand to-day publicly alleging that a public work of this country under the control of the Government has been mismanaged for years. I have brought it under their notice, and I cannot get them to investigate it. What did I say to them in moving for the report:—

"Supposing were I to insist on my motion now, and it were passed, we cannot get the evidence this session. At best it could only be laid on the Table next session. I am quite satisfied that the Premier has no time to read the evidence. I do not think for a moment

that he is going to wade through 2,371 pages. I hope that he will not be punished by the people of this country to that effect. If he had wanted to do that, he was getting the evidence from day to day as it was taken, and the commissioner, by his letters, shows that he was receiving intimations from the Government. One thing the Government should do in the interests of the country is either dismiss these parties that have been found guilty, or publish the evidence to the world, so that the parties can come to a conclusion on the subject for themselves. That I ask, and the people of this country will expect. Of course, I will withdraw that part of the motion calling for the evidence, and when next session arrives I will know what course to pursue."

There is an African in the fence somewhere. I cannot find him now; but I will discover him some day. These officials are on the canal yet, and how long they are going to remain there I do not know. Last year we had evidence to prove, even in the report that came down, that Mr. Ellis had taken money that he should not have received. There was a friend somewhere in office who helped him to get it. There was $476 that he was obliged to refund to the Government, and I find that an attempt was made by the Government to pay it back to him. In the correspondence between the Auditor-General and the department I find the following letter:—

"Audit Office, Ottawa, 8th May, 1891.

"Sir,—I have received a copy of an order in Council, dated 17th April, 1891, authorizing a refund to Supt. Ellis of all deductions hitherto made from his salary, and wiping off the balance against him, for horse-hire charged in addition to travelling allowance.

"It is still my opinion that the terms of an allowance cannot be re-arranged at a period subsequent to the service. This particular allowance was described as for travelling expenses; and it cannot be defined anew to have excluded horse-hire, so long after the travel was performed.

"I regret having to hold your application for Supt. Ellis's refund, until you obtain a ruling from the Treasury Board, as provided by the Audit Act, if you think it advisable. I would like to know if an appeal is to be made, to save delay in giving my reasons to the Treasury Board, as the matter has been under discussion for some time.

"I am, Sir, your obedient servant,

"J. L. McDOUGALL, A.G.

"The Secretary, Railways and Canals Dept."

You have heard me state in the House on a former occasion how this liveryman burnt his books to prevent me finding out how much money he had received from the Government through the superintendent of the Canal. The Auditor-General stood in the way of this attempt to refund the money to Mr. Ellis, and I find another letter from him, dated November, 1891, as follows:—

"Audit Office, 2nd Nov., 1891.

"Sir,—In explanation of the deduction of $30 recently made from the September salary of Supt. Ellis, I beg to point out that I have not heard of the Treasury Board taking any action on the appeal in Mr. Ellis's behalf. It therefore appears necessary to set again in motion the machinery for collecting the arrears of overpayments on account of travelling expenses. Further, unless the Board rule in favour of Mr. Ellis in the meantime, a deduction will be made from his October salary, sufficient to make $30 a month for the time that the previous arrangement was suspended, namely, April, May, June, July, and August.

"I am, Sir, your obedient servant,

"J. L. McDOUGALL, A.G.

"The Secretary, Railways and Canals Dept."

Now, what is the power behind the throne that is working in favour of these officials on the canal? Even the commissioner was obliged to report against Mr. Ellis. I have his second report here; I do not agree with it; but let us see what it contains. I will read what this commissioner, who broke all the commandments to try and clear these people, says in his report. He tells them that they are losing $20,000 a year by their management of the canal—that they have lost it, I do not say that that they are losing it now. This $20,000 is exclusive of what Mr. Ellis and the others appropriated to their own use, and apart from the presents they received from the gas company. Poor Perley refused cash and took jewellery, and these people on the Welland Canal took money, took fuel, took gas. Mr. Perley had to walk the plank, but Mr. Ellis who returned time for three years and seven months for a man that did not work a day—who made 43 false reports to the Government to cover it up—is still in office. Mr. Ellis and other canal officials had people working at their houses whose time was charged to the Government, yet they still remain in the employ of the Government. Here it is to be found in the evidence, as any man can see who will take the time to examine it, yet the Government do not seem to think it sufficiently important to look into it, but allow matters to go on without a change. I hope they will look into it by and by. I have faith

that they will, and that they must do it even from a political point of view. The action of the Government in this matter is producing a dry rot in the Conservative party. The people along the line of the Welland Canal know how that important work is managed, and they have become so disgusted with the management that they are returning members to oppose the Government. This second report of the commissioner, which I am about to read, was submitted in 1890. The first time that I moved for a report it was not brought down, and I was subsequently told that the Government did not have it at the time, but I think they must have been mistaken. The report is as follows :—

"Madoc, 24th January, 1890.

RE WELLAND CANAL INVESTIGATION.

"Sir,—In compliance with your request I herewith submit a supplementary report with suggestions as to changes in the present system of management, that I consider essential not only in the interests of the public service, but in the interests of economy.

"The investigation disclosed an unnecessary multiplication of offices. In my opinion there are too many 'overseers,' more foremen than necessary, no use for the harbour masters, and the office of storekeeper, as now utilized, unnecessary.

"A report ordered by me from the Canal Office and forming part of the evidence gives four overseers to the new canal and two to the old—six in all. It gives sixteen foremen.

"One superintendent is enough for a canal 27 miles long, if he confines himself to the duties of that office. As the system is being operated on the Welland Canal, Mr. Ellis occupies very much the position of the head of the department with six superintendents under him, each over a division, of which there are four on the new canal, and two on the old.

"These superintendents, called overseers, look after the divisions and communicate with the head superintendent, at his office in the Canal office buildings, and are often brought there on very trivial business. His office hours are from 10 a.m. to 4 p.m.

"If the superintendent devotes himself to the actual work of his office, coming in contact with the men and work two or three times a week (for doing which he now receives an allowance of $300 per annum for horse-hire) the overseers could confine themselves to their legitimate duties on the canal, and two would be sufficient on the new, and one on the old canal.

"And as evidence that I am correct in so stating, I would call attention to the fact that J. G. Demare, overseer of No. 1 division, which is one of the most important, has been put in general charge of the whole of the new canal in addition, and attends to both satisfactorily. In his second office he is doing what the superintendent should do personally.

"There are too many foremen. The report referred to gives 16; some of these now in the employ of the canal are not competent for the duties of such a position. The evidence disclosed a want of definite duties to these men. One-half the number composed of active, energetic men, suited to act in that capacity with well defined duties, would be more effective for the purposes for which they are employed, in my opinion, than the present staff. It was difficult in the evidence given to fix blame for irregularities, for the reason that the work of the foremen clashed with each other, and responsibility was easily shifted on to other shoulders. The harbour masters have very light duties to perform, which can be readily done by the overseer at each end of the canal, and not interfere with their present duties, providing they are not required to leave their work and wait on the superintendent at the canal office, where they are now frequently kept for hours, often I think needlessly.

"The storekeeper's office, as now carried out, is no use to the service, either for the work performed or as a check. He has only a portion of the supplies under his charge. He should either have full charge, if such an office is decided necessary, or the office abolished.

"An active, qualified clerk, directly responsible to the superintendent (and whose duty it should be to look after him), would be far more efficient.

"A better system of checks for time and supplies is necessary, and should extend to livery service, railway fares, in fact, to every branch of the canal service, and there should be some person responsible to see that it is properly performed.

"As the present system is carried out the superintendent has undertaken at various times expensive works, such as the post office, custom house, dock at Port Colborne, and large bridges, such as 'dishers' and 'shiners,' without authority from the department, and without consulting the chief engineer.

"I am satisfied from inquiry that it was never intended to put the superintendent of the Welland Canal in the position of an administrative officer. Clearly his duties are executive, and should be confined to them.

"The present system seems to have grown from the necessity of an increased force during the construction of the new canal—repairs and construction running close together, and not since reduced.

"IN BRIEF.

"I think the superintendent should resume the duties appertaining to that office, coming personally in contact two or three times per week with the men and work at least, (for which he has an allowance now of $300), and confine himself strictly to the duties of that office.

"Reduce the number of overseers to three on the new canal, and one on the old. If necessary make a deputy of one of the three on the new canal to assist (not take the place of)

the superintendent. Have the overseer at each end of the canal discharge the duties of harbour masters, whose office should be abolished.

"Reduce the staff of foremen. Have only active and efficient men in such positions. Abolish the storekeeper's office. Introduce a better system of checks, and extend it to the whole service. In fact have a live system of internal management, embracing the spirit of the changes I have indicated, and I am prepared to say there will be not only a direct saving of from $8,000 to $10,000 annually, and an indirect saving equally as large, but the service will be more effective in the public interest.

"An unnecessary multiplicity of offices always has a tendency to weaken any service, and on the Welland Canal such is the result beyond a doubt.

"A superintendent to be effective must feel the pulses of the work over which he is an overseer by continually coming in contact with the men and the work. On the Welland Canal, there will be plenty to occupy his time and attention if he discharges his duties faithfully without meddling with what belongs to another branch of the service.

"While the present general management meets—as I have before stated—the demands of shippers and commercial men, so far as the transit of goods and vessels are concerned, at the same time there can be no doubt in my opinion, but what it is accomplished at too much expense, and unnecessary waste of time and labour

"The Chief Engineer and Deputy Minister of Canals are men of large experience, and I respectfully submit these suggestions for reorganization for your consideration with a proper deference to their judgment, but fully impressed with the importance of changes in the present management.

"I have the honour to be
"Your obedient servant,
(Signed) "A. F. WOOD,
"Commissioner.

"Right Honourable
"Sir John A. Macdonald,
"Minister of Railways and Canals,
"Ottawa."

This is the report that the commissioner was obliged to submit after doing all he could to prevent me getting the evidence under oath. The commissioner acted most outrageously in this matter. When men were found guilty of corruption he tried to cover it up. I found that some men employed on the canal were given more money a day than they worked for, and a portion of this was to pay Mr. Ellis's debts. The commissioner lectured Mr. Smith, the broker who negotiated this, and said: "If you make this arrangement with one man what is there to prevent you making it with forty." But he prevented me showing that there were others working in the same way. I was prepared to submit further evidence on the point, but the commissioner refused to admit the evidence. If the commissioner who acted in that way at the investigation is obliged to report as he has done in the documents that I have just read, what will the public say when they see the evidence? I stated on a former occasion that Demare was giving more trouble than all the men on the Welland Canal; but Demare got in with the commissioner. They took a trip over the canal together, by team and boat, and I suppose he got the commissioner's ear. This man Demare came before the court and swore to a certain thing, and three of his own friends contradicted him under oath. How can you credit the evidence of a man who could do that. He was put in the box 18 times to try and swear himself out, and Mr. Ellis was treated in the same way. It was proved that this man Demare farmed out the Government land on shares. Three men swore that they were working the Government lands on shares for Demare, and yet he swore that he had done nothing of the kind. This is the skilful and energetic man that Mr. Wood thinks so highly of. He is skilful in his own interest, and energetic in putting money in his own pocket. The livery money referred to in the report is the amount that the Government made Mr. Ellis disgorge, and then wanted to pay back to him if the Auditor-General had not prevented them. We had a flourish of trumpets last year that anybody found guilty of wrong-doing would be punished, and no doubt the Auditor-General thought the Government were in earnest when they made that statement, and that he was taking the right course in trying to save the public money. Whether the Government will afterwards pass an Order in Council and reimburse Mr. Ellis for the money he has been compelled to disgorge, I do not know. Then there is my friend Vanderburg, the man who keeps the time for the men at Port Dalhousie, and who lives at Allanburg and comes down to Port Dalhousie and St. Catharines every morning to take their time. This man charges the Government as much as $205 per year for railway fares. The Superintendent certifies this charge to be correct, while Vanderburg only paid from $32 to $36 a year for his tickets. Of course that practice is stopped now since

the investigation. I have been told by several persons : "McCallum, you have put the country to the expense of this investigation and it has been of no use." But I tell hon. gentlemen that that investigation has saved to the country five times the amount it has cost. Then the commissioner goes on to refer to post office and custom houses as follows :—

"As the present system is carried out the superintendent has undertaken at various times expensive works, such as the post office, custom house and dock at Port Colborne, and large bridges such as 'dishers' and 'shiners,' without authority from the department and without consulting the chief engineer."

That is a light way to deal with this matter. This post office at Port Colbourne was built without any authority, and when it was built nobody owned it. We know that the Public Works Department alone is authorized to build post offices and customs houses ; but the superintendent of the canal erected these buildings and charged them to canal expenditure, and the Government had to pass an Order in Council to invest them in the Public Works Department. That I know myself. Then he speaks of such bridges as Shiner's Pond bridge. And what is the Shiner's Pond bridge ? It is a bridge that has cost the people of this country $1,000. Mr. Page, the engineer of the department, reported against it. He said it was a township bridge, and should not be built by the Government. Mr. Ellis built it to please a member of Parliament, against the report of the engineer, and he hid the fact from the Government, and never to this day has the Government taken the matter up. He distributed the time and material over other works, because he dare not let it appear in the accounts that he was building that bridge contrary to the report of the engineer. The commissioner continues :—

"I am satisfied from inquiry that it was never intended to put the Superintendent of the Welland Canal in the position of an administrative officer. Clearly his duties are executive, and should be confined to them."

What gave Mr. Wood the idea, I don't know, or why should he say because of the construction of the new canal it was altogether different from the management of the Welland Canal. Mr. Ellis had nothing whatever to do with the new canal while building in any shape whatever, and why Mr. Wood should report in this way I do not know, except it is to throw a blanket over this iniquity. Then the report continues :—

"I think the superintendent should resume the duties appertaining to that office, coming personally in contact two or three times per week with the men and work, at least (for which he has an allowance now of $300), and confine himself strictly to the duties of that office.

"Reduce the number of overseers to three on the new canal and one on the old. If necessary make a deputy of one of the three on the new canal to assist (not take the place of) the superintendent. Have the overseer at each end of the canal discharge the duties of harbour master, whose office should be abolished."

I disagree with Mr. Wood altogether about abolishing the office of harbour master. I think it is a very important office. A very little mistake in the management of the harbour might involve the country in a great loss. It shows that Mr. Wood did not know anything about that matter although he might be right to a certain extent in the other. But he says : "Reduce the number of foremen and have no storekeeper's office." Hon. gentlemen heard me say in this House that all the storekeeper was good for was to draw his pay. I showed that he was as much use on the Welland Canal as a fifth wheel on a carriage. And you have heard me say in this House, when I moved for the investigation in the first place, that with proper management on the Welland Canal the Dominion would save from $20,000 to $24,000 per year. I lived along the canal ; I have gone through the canal and I know a good deal about its management, I have seen it managed by other people and I see its management now. The commissioner does not go as far as I did, but comes very near it when he says :—

"Reduce the staff of foremen. Have only active and efficient men in such positions. Abolish the storekeeper's office. Introduce a better system of checks and extend it to the whole service. In fact have a live system of internal management embracing the spirit of the changes I have indicated and I am prepared to say there will be, not only a direct saving of from $8,000 to $10,000 annually and an indirect saving equally as large, but the service will be more effective in the public interest."

There was my prediction, that we would save $24,000 a year and the commissioner says $20,000 a year, but he does not say

anything about the amount of money that has been squandered and that these people have appropriated to themselves. He does not say anything about what it cost the country to help to build Mr. Ellis' house. He does not say what it had cost the country to give him free fuel—to give him testimonials and to make unauthorized expenditures to keep in with Mr. Riordan, but he shows by the report in the hands of the Government—a report that is not according to the evidence—a report that tried to cover up matters as much as possible—even by that report that the country is losing $20,000 a year by mismanagement of the Welland Canal. People are not surprised that I living in that part of the country, and knowing what is going on, should raise my voice against it; yet I cannot get the Government that I have supported so long—the Government that I believe to be pretty nearly perfect, barring this to be pretty nearly perfect—to move in the matter. I have stood before the people of this country and defended the Government on every stump; and to-day I could go on every stump in the Dominion and expose the iniquity of the Welland Canal management if the Government do not clean out those officials, and still be a Conservative. I will not allow any man, not even Sir John Abbott, to go between me and my party. I am as good a party man as he or any other man. I am a party man, not because of what I can make out of party, but because it was born in my bones; at the same time I will expose wrong-doing wherever it is.

Hon. Mr. CLEMOW—Yes, "clean out the rascals."

Hon. Mr. McCALLUM—Yes; clean them out. I can understand the First Minister in his good natured way saying: "We will look into it;" but this is an important matter, in which the country is losing $20,000 per year, without saying anything of what has been misappropriated in other ways. But has he looked into this rascality? The people of the country see it, and he will find that he must clear these officials out. If the opponents of the Government did not think they were making capital out of it, don't you suppose they would have taken up McCallum's charges before this? No doubt they would; but it suits them better as it is. They never say anything about McCallum's charges against the Government, for it suits their purposes as it is. I want the Government to act honestly. I remained quiet last year because of Sir John Macdonald's death, but I said I should bring the matter before the House. If I cannot get the Minister at the head of the Government to promise to look into it now I will just read a few quotations from the evidence to show that I am correct in what I say, and if I don't get these rascals cleaned out, and if the evidence is not brought down and printed I venture to say some day I will rise in this House, if the Lord spares my health and eyesight, and read the whole thing from beginning to end.

Hon. Mr. McINNES (B.C.)—You can't do that in a day. It will take more than a week.

Hon. Mr. McCALLUM—With a flourish of trumpets we were told last session that the Government were going to dismiss every public officer who was guilty of wrong-doing, yet here we have the evidence of R. B. Dunn, who was paymaster on the Welland Canal, that he returned time for men who did no work. They were pensioned off in this way: Fancy having a Treasury Board on the Welland Canal composed of the superintendant, paymaster and accountant, to pension people off on the pay-lists and make false reports to the Government to hide it, so that the country would not see what they were doing. Still, the Government says of Mr. Ellis, "Poor man, we don't like to sack him." He hangs on like a barnacle, but the Government will have to brush him off in order to save themselves. If they do not accept 'old McCallum's' advice, self-interest will compel them at last to clean these officials out." R. B. Dunn, when recalled, was examined as follows:—

"Look at the pay-lists for January, 1884, and see if you find the name of William Assell there? A. Yes.

Q. How much did you pay him that month? A. I paid him $19.38.

Q. On what work was he? A. On repairs.

Q. Who was his foreman? A. O'Neill was his foreman.

Q. Where was he working? A. Cutting ice from edges of banks of hydraulic race and releasing anchor ice throughout the whole length of same various occasions night and day, and keeping race open.

Q. He was there how many days? A. In January, fifteen and-a-half days.

Q. Now turn to February ? A. Yes, he is here.

Q. How many days in February ? A. He was fourteen and-a-half days.

Q. Who was his foreman then ? A. O'Neill appears at the head of the list.

Q. What was he put down as doing then ? A. Cutting ice from edges of banks, hydraulic race and releasing anchor ice throughout the whole length.

Q. Does his name appear in March ? A. Yes, fifteen and-a-half days.

Q. Who was his foreman then ? A. Mr. Road appears at the head of the column.

Q. What were they doing then ? A. Assisting at the freshets, opening up ditches along the canal bank to allow the water to run off.

Q. Did Mr. Assell sign his own name at any time ? A. Yes, until he got too weak to write his own name.

Q. Whose initials are to his signature ? A. Mr. Lawrence's initials.

Q. Now take April ? A. Yes, that is here—15 days.

Q. Who was his foreman then ? A. O'Neill is at the head of the list.

Q. He is described as working with O'Neill on the margin, is he not ? A. Yes, that can be explained.

Q. I do not want an explanation ; I want you to answer the question."

I can show that for three and a-half years this man's time was going on in that way, and the paymaster tells us that he knew that this man did not work a day when he was paying him all the time. Of course, Mr. Ellis told Mr. Lawrence, the clerk, to put his name on for so many days each month and tells the paymaster to pay it, and by the action of the superintendent in this matter he makes the paymaster and clerk parties to the fraud. He is further examined by the commissioner :

"Q. Do you know that O'Neill was his foreman ? A. No, none of these men were his foreman.

Mr. McCALLUM—Is he not described in the margin there as working under O'Neill as foreman ? A. I can explain that. He was drawing his half pay there as William Assell. Assell being an old messenger was drawing pay, and it does not make any difference where his name was on the pay-list."

I do not blame the Government for the loss of this money during this time, but I do blame the Government for continuing in office persons that deceived them in that way. The superintendent, in order to hide the payments of this man, put him on different lists. They tried to explain it away, but the explanation will not hold water with any one who looks through the pay-lists. I will now read from the evidence of Mr. Lawrence, the canal accountant :—

"Q. Do you know William Assell ? A. Yes.

Q. There was no time returned for this man at all, was there ? A. No.

Q. Who authorized you to put his name on the list ? A. Mr. Ellis.

Q. He ordered you to put him on so many days each month ? A. To put him in half time—for half a month.

G. You divided the month to make up the time ? A. Yes ; before that he got paid for the full month.

Q. He got paid for full months while he was working as messenger at the canal office ? A. Yes.

Q. Who is his successor at the canal office ? A. Mr. Hartley.

Q. Mr. Hartley came in his place ? A. Yes.

Q. And when Mr. Hartley came in his place he was paid at the same rate, was he not, that William Assell was paid before ? A. Yes.

Q. That is $1.25 a day ? A. Yes ; $1.25 a day.

Q. Mr. Ellis ordered you to put this old gentleman on for half time ? A. Yes.

Q. You can explain to us how he came to be here and there and all over the lists ; he is with Mr. O'Neill most of the time ? A. Yes ; the way that is he has not been returned on any regular time-sheet. I would invariably perhaps forget him, and just torwards the last sheet, the sheet under Mr. O'Neill's heading, that sheet might be full, and I would place him where the first vacancy would appear on some of the other sheets.

Q. I see on one time-list written on the margin "No time ;" I see on another list he is put down the third on the list, which confirms your evidence. I suppose to keep this man in memory you had to place him on ? A. Yes.

Q. You drew his pay most of the time ? A. No.

Q. At least you signed the list ? A. I did.

Q. Did not Mr. Assell sign his own name at one time ? A. Yes.

Q. And wrote a very nice hand ? A. A pretty good hand for a man of his age and infirmities.

Q. You drew his pay and paid it over to him ? A. No.

Q. He was there to get it himself ? A. Yes ; he was there to get it himself. I just made a cross and put my initials. At the last he was very feeble and could not write. The last two or three occasions he could not come to the office, and his daughter came for the money for him.

Q. You know that this man was not working all the time ? A. I did.

Q. What was the time that this was going on—about three or four years that he drew his pay that way ? A. A month in 1883, 1884, 1885, 1886 and part of 1887.

Q. That would be three years and seven months ? A. Yes ; about that.

Q. During that time you put this old gentleman's name on the list for half time, without any authority by Mr. Ellis's ? A. Without any other but his.

Q. And he received his pay accordingly ? A. Yes.

Q. As you know by witnessing the payments ? A. Yes."

What does Commissioner Wood say obout this ? In my first charge made in this House I said we were paying for work on the Welland Canal that was not done at all. What does the commissioner say in his report on it ? He says : "I find nothing there but the Assell case ;" a man who is returned as under pay for three years and seven months. I made that charge and proved it, and the commissioner says : "I do not find anything there but the Assell case." I spoke of men working at Ellis's house. I have the evidence here, and I would read a little more of it, but I don't want to be too hard on the First Minister, for I still have hopes that he will do justice in this matter. It is slowly coming, but I expect it will come by and by. All I want of him is this : I want him to say now, if not to-day as soon as possible, if he is going to take action in this matter. I say to him now, as I said before, nothing short of this will satisfy the people of this country ; that he shall dismiss from power these people that have been found guilty, or that he will publish the evidence to the world. I am moving for the evidence. I want to get it. I know it will be expensive to copy and print it, and I know if the hon. the Premier chooses to exercise his power, he can keep me from getting it, and if I do get it he can prevent me from having it printed. I know that, but I have a copy of the evidence myself, and I have a tongue in my head, and I say if he does not do what is right, and if the evidence is not brought down and printed, I will read every word of it in this House, and have it put in the Senate Debates. I say I have been insulted, and abused in every way in this House in this matter. When the Premier announced to this House last year that every public officer found guilty of fraud would be punished, and Sir John Thompson in the other House announced the same policy, the people of the country were delighted. They believed that the Government were going to carry out that policy, but the editor of a Conservative paper at St. Catharines, *The Star*, finds it necessary to come out shortly after, on 5th September, 1891, and say :—

"MAKE IT THOROUGH.

"While Messrs. Abbott and Thompson are trying to clean out the Augean stable let them do it thoroughly in every department. There is a section in the County of Lincoln under the Railways and Canals Department which should not be lost sight of. Two years ago there was a great flourish of trumpets in this section by Senator McCallum, who conducted an investigation into irregularities which were alleged to have taken place in the management of the Welland Canal. The charges seemed to be proven beyond doubt, and Mr. Wood reported to the House that he found things not in a healthy state. Since then the people of this section have heard nothing of it. The same parties are in power at the present time. None of them have been disturbed. What has closed Mr. McCallum's mouth during this session ? He was a man reported to be of fine qualities, and would not flinch a duty."

Last session I kept quiet out of respect to the memory of Sir John Macdonald, and the Premier being so busy with other work I did not bring the matter up, except to see him about it privately. I went to see him, and he gave me a fair promise that he would look into it. I urged him to put it into the hands of somebody else, if he had not time himself, but when I came back this session I found the matter was in the same position, and I suppose it will continue. This editorial continues :—

"His silence looks very ominous, to say the least. The people of this section think that investigation had better not have taken place, for the only result of it was to fall back on the working man with a heavy hand, while it leaves those who should suffer go scot free. The men in the employ of the canal officials are in a worse state to-day than they were before the investigation. This should not be so. Those who were guilty should be the ones to suffer, and not the innocent working man. Out upon such discrimination. Let Senator McCallum do his duty now, and he will show that he was sincere in his efforts. Decision is what we want ; no more shilly-shally work in the case."

If the Government are prepared to say that these people are to go scot free, then I want them to say so. I know if the Government had done what was right they would have cleaned out these officials long ago, but now what will it be ? I think I hear a whisper in the air that these officials are to be superannuated. Well, if that is the policy of the people of the

country, pensioning off men guilty as these officials have been, I do not approve of it. I will not call these officials thieves, but they were the next thing to it. They took money that they should not have received; they built their houses with the labour of men who were paid by the country, and they accepted presents in money and fuel, and gas from the gas company, and turned down the lights on the canal when they should have been turned up. I say that it is about time we had something done in this matter.

Hon. Sir JOHN CALDWELL ABBOTT—I am sorry my hon. friend takes so strong a view in censuring the Government in respect to Mr. Ellis. I give him credit for all that he claims, and for more than he claims as respects his staunchness as a good Conservative, as a party man, and as a man, also, who is determined to do his duty before the House, and has done it in both Houses. I give him entire credit for all that, but I think my hon. friend, though perhaps he has some cause for complaint as to delay, should judge a little more charitably of those whom he censures for not dealing with this case. My hon. friend must remember that the Minister who has charge of this particular matter is the Minister of Railways. My hon. friend remembers who was the Minister of Railways during the year 1890, and up to the spring of 1891, and he knows how that hon. gentleman was overwhelmed with work of all descriptions in addition to railway work, and he can easily, I am sure, appreciate the difficulty that that hon. gentleman would find in reading the record of evidence extending over 2,345 pages in the midst of his other innumerable and important occupations. Since the period at which that hon. gentleman, to the grief of the whole country and far beyond it, ceased to hold the office of Minister of Railways, my hon. friend knows very well the condition in which that department has been. We have sat for at least eight months out of the last twelve—nearly nine months in Parliament. During the greater part of that time, the Department of Railways was represented by the Minister of Customs, who had plenty to do in his own department, and had many other things to attend to, brought upon him by the difficulties under which we laboured last year, as everyone knows, and he found it impossible to read through such an enormous bundle of testimony. Within the last four or five months we have had a regular Minister of Railways, the Hon. Mr. Haggart, who, as I stated in this House some months ago, made it his first duty to take up the important question of the Intercolonial Railway, which we know has been the subject of much complaint from many quarters and has really caused so much loss to the Dominion, and beside which the mismanagement that my hon. friend attributes to the superintendent of the Welland Canal sinks into entire insignificance, though in itself it is important and must receive proper attention. I promised my hon. friend last session, or the session before, that I would look into this matter. I think I have waded through the greater part of this evidence, and read the summary of points that my hon. friend thought he found in the evidence, and I have formed my opinion. At the same time, the initiation of any steps that can be taken in the case must be in the department to which the affair belongs, and the Minister of that department must be, in the first instance, responsible for it. The Minister of Railways has the evidence before him, and he has already read my hon. friend's summary of points, and I think he has to a large extent made up his mind on the subject. But my hon. friend must remember that while I promised (and I am quite ready at any moment to repeat the promise) that those guilty of wrong-doing shall be punished, I could not propose to punish them without a full and complete trial, and that trial in this instance has not taken place.

Hon. Mr. McCALLUM—I agree with that entirely.

Hon. Sir JOHN CALDWELL ABBOTT—I knew my hon. friend would—that is his character. But that trial must be made after a careful study of the whole of this evidence, and the proper officer to deal with the case is the Minister in charge of that department. Early in this session I brought the matter under that gentleman's notice and he explained to me, what I pretty well knew, that it was impossible for him at that moment, and probably impossible during the session, to take it up and give it the attention it deserves. Since then my hon. friend has spoken to me and pressed me about it, and I have again seen the Minister of Railways, and he tells me again what is undoubtedly a fact, that it is impossible to study the matter until after

the session. My hon. friend has been long enough a member of Parliament to know what it means to be head of a large department, to have to be present in the House often after midnight nearly every day of the week, to attend to the daily duties of his office and be present at Cabinet meetings, and he must know and understand how difficult it is to take up an important question which cannot be decided by snatches, but must be taken up consecutively and studied from end to end. He must know how difficult it would be to do that while the labours of such a session as this are going on, and I think my hon. friend has an assurance from the Minister of Railways that as soon as the session is over he will take this matter up and go through the evidence and dispose of it. I know that while my hon. friend is in earnest about this matter, he is not disposed to censure merely from a feeling of ill-humour or anger; I know that very well; still, he might say he has had similar promises before. I think I may remind him that he has not had any similar promise before. When I had the honour of answering him in this House on former occasions I had no control over the matter, directly or indirectly. I was neither at the head of the Government nor of the Department of Railways. I performed the promise I made in the only way in which I could do it—I brought the matter under the notice of the gentleman who was responsible for it at the time. Since then, during the first half of the past year, I could not have asked the acting Minister to take up a question like this, and during the last four months, I have already explained how impossible it was, speaking in the ordinary sense, for Mr. Haggart to take the matter up. Now I am speaking as head of the Government, on the assurance of the Minister responsible for the matter and charged with it, and I tell my hon. friend that as soon as the session is over the Minister will take the matter up and investigate it thoroughly, and will make his report to the Cabinet, and justice, as far as we know how to do it, will be done to everybody concerned. I have no objection at all to the motion.

Hon. Mr. McCALLUM—After what the Minister has said I have no desire to put this country to the expense of furnishing me with a copy of this report. Of course, I will depend on the promise of the Premier again, and I believe that what he has said is correct. I have faith, if it is not very large, in the Government. I think this thing is getting closer to a decision. I have only done, in this matter, as the hon. leader of the Government told me two years ago I was to do if they did not carry out their promise. As he gives me the assurance that the thing is to be decided when the session is over, of course I have no desire to press the motion. However, if the action of the Government is not in accordance with my views in the matter I give him notice that I shall move for the evidence again, and if they do not give it to me I shall do just as I said I would to-day—I shall commence at Genesis and end at Revelations—I will read the entire report. Therefore, with the permission of the House, I withdraw the motion for the present.

Hon. Sir JOHN CALDWELL ABBOTT—I hope my hon. friend will not repeat that threat when the matter comes up, because I am afraid that I should have to revise the whole Senate—that everybody would retire.

The motion was withdrawn.

A QUESTION OF PRIVILEGE.

Hon. Mr. ALMON—I rise, as a matter of privilege, to call attention to a paragraph which appears in this morning's paper which grossly misrepresents the course I took here yesterday. It purports to be a report of what took place in the Senate yesterday, and is as follows:—

"There was a prolonged discussion in the Senate yeterday over the Bill empowering the Chignecto Marine Transport Railway Company to issue first preference bonds for the purpose of enabling the company to obtain additional capital to complete the enterprise. Hon. Mr. Almon moved in amendment to the third reading that these bonds should have preference over existing obligations."

Hon. gentlemen are aware that this is contrary to what I did. I am aware that I labour under the difficulty that Moses did of old, who was not a ready speaker, and that I did not put my sentiments as clearly before the House as I should like to do. But I think I made my views sufficiently clear to be understood by any one of ordinary capacity. I have reasons for wishing this matter set right. In fact, I have two reasons for doing so. When I go down to Halifax it is very possible that I may wish to borrow

money on a mortgage on my homestead, and when I go to a capitalist to do so he may say, "I should be very happy to lend the money on your property, but I understand you introduced a measure in the House to put a second mortgage before the first, and the House agreed almost unanimously to this transaction taking place. How do I know that you will not do the same now, and therefore I decline to lend you the money." There is another reason. To use a very celebrated phrase of Joe Howe's, it is just possible that next session the company may come before this House wishing for more privileges, grants of money or advances of money. From the almost unanimous way in which the request that they made yesterday passed the House, I have no doubt it will be granted. I should like still to be able to vote against that, and not have this paper brought up before me to prove that I have been inconsistent. I do not know whether there was a joke in this, or whether it was due to malignity, or gross ignorance of the manner in which a paper should be managed, but I bring the matter before the House to make an explanation which in justice to myself I was bound to make.

BILL INTRODUCED.

Bill (O) "An Act to amend the Winding-up Act." (Sir John Caldwell Abbott.)

GENERAL INSPECTION ACT AMENDMENT BILL.

IN COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on Bill (N) "An Act to further amend the General Inspection Act."

(In the Committee.)

On the last clause,—

Hon. Mr. ALMON—I doubt very much if the inspecting and branding of apples would not injure the sale of those that are not branded. A farmer may think that his name on the barrel will be sufficient, but when he puts his apples on the market he will find that there are apples on the market that are branded which, though no better than his own, meet with readier sale.

Hon. Mr. KAULBACH — My hon. friend must see that the clause is merely optional. In order to maintain the superiority of our apples, on which we pride ourselves in Nova Scotia, those who wish to brand them should have an opportunity of doing so. I believe this will tend to give apples their proper standard in the English market. We believe in Nova Scotia that we raise a better quality of apples than are to be found in any other part of Canada. I hope the Government will see that the size of the barrel is also looked after. In Nova Scotia I believe those who send apples across the water have barrels of the correct size, which is not generally the case. Therefore I believe our apple growers are placed at a disadvantage in that regard. Although there is an Act already in existence which provides that an apple barrel shall be a certain size, yet I think it has not been looked after; but now, as we are putting apples on the schedule of articles that may be inspected, the size of the barrel is a matter of more importance than it has been before, and I hope that the Government will see that it is looked after.

Hon. Mr. POWER — The hon. gentleman from Lunenburg has called attention to a matter of very great importance, indeed. It has been a source of very great complaint that in many cases apple barrels are not large enough, and do not contain the quantity of apples that they should. I have not examined this clause very carefully, and I do not see in it any provision with respect to the size of the barrels, and I think the law should contain some such provision.

Hon. Mr. KAULBACH—That is contained in the Weights and Measures Act.

Hon. Mr. POWER—I presume it is, but I can quite agree with the hon. gentleman that special care should be taken to see that the barrels are the proper size. With respect to what has been said by my hon. colleague from Halifax, if this legislation will lead to the inspection of all apples, it will be a very good thing, indeed. Naturally, inspected apples will sell better than apples not inspected, and the consequences of that will be that every apple grower will see that his apples are inspected, and that, I think, is a proper thing. With respect to the amount of the fee, that is a matter I presume that we do not deal directly with; but it occurs to me that possibly the fee is a little large. The inspector has to open only one package in every five, and that means that he will charge a fee of ten cents for every one, or fifty cents for every barrel that he brands, whether he inspects it or not.

Hon. Sir JOHN CALDWELL ABBOTT—He will get his fee for every barrel inspected by him.

Hon. Mr. POWER—I see that they are all to be inspected. He brands the whole of them, and gets his fee for every barrel, and I think it would be well that any possibility of doubt on that point should be removed, because I think that a fee of fifty cents would be too much to charge where the work really done by the inspector is opening one barrel in five and branding five.

Hon. Mr. ALMON—I do not think the Nova Scotia apple growers should be blamed for the size of their barrels. The Ontario flour merchant sends down small barrels, and they pass into the hands of the Nova Scotia fruit growers. He puts his apples into them, not knowing that he is acting dishonestly, and thinking that all those barrels are the same size. I am aware that flour is always weighed at the mill, but in country stores it is sold by the barrel.

Hon. Mr. KAULBACH—That does not happen in the case of apples that are exported across the Atlantic. All the barrels shipped from Annapolis and King's county are the proper size. Possibly in Prince Edward Island they take common flour barrels, but I learn, from many growers of apples in King's county and Annapolis, that they export apples across the Atlantic in the barrels of the size required by law.

Hon. Mr. CLEMOW—I know in Ontario it is very difficult to get barrels to supply the demand. Last year many dealers had to export apples in bulk, it was so difficult to get a sufficient quantity of barrels. I think the clause relating to fees is subject to the construction put upon it by the hon. gentleman from Halifax. I know in the inspection of flour, if the inspector examines only one barrel in ten he charges for inspecting every barrel. I think this fee ought to be defined—that it shall be at the rate of two cents a barrel.

Hon. Sir JOHN CALDWELL ABBOTT—That would be out of the question.

Hon, Mr. POWER—The Minister might make a note of that.

Hon, Sir JOHN CALDWELL ABBOTT—With reference to the size of the barrel, the complaint is, not that the barrels are too small but that they are too large—that the people pack their apples in flour barrels, which are larger than the apple barrels. Those who pack their apples in legal sized barrels think an injury is done them by those who pack their apples in flour barrels. In reality, there is no injury done to anybody—it is a matter of choice. The man who packs his apples in a flour barrel chooses to give more than the one who packs his apples in an apple barrel. I do not see how we could interfere with that. We could interfere with them if they packed in barrels that were too small, but not when they pack in barrels that are too large. Suppose a man gave 65 lbs. of wheat to the bushel, which is legally 60 lbs., we could not interfere, and so it is with apples—if the people choose to put their apples into flour barrels which are larger than the regular size, no one could interfere with them, and they could not be subject to a penalty for doing that. With regard to the inspection fee, my hon. friend will perceive that the inspection of a barrel of apples is a very different thing from the inspection of a barrel of flour, which, as my hon. friend behind me says, is usually done by inspecting one in ten. In the inspection of a barrel of flour a hole is bored into it and a scoop is put in which brings out a portion of flour. The inspector smells it and puts it into a bucket, which he keeps himself, and that is all the trouble there is. But in inspecting apples the head of the barrel has to be taken out carefully and the apples examined throughout. The inspector is bound to see that they are perfect specimens of one variety, of uniform size, and free from scabs and worm holes, and in case of colour, that they must be of proper colour. To open a barrel,take out the apples, examine and put them back, and close the barrel again, is surely worth the fee charged.

Hon. Mr. CLEMOW—I do not see how it can be done for that.

Hon. Mr. POWER—For that he gets fifty cents.

Hon. Sir JOHN CALDWELL ABBOTT—As long as he inspects one in five, but if he finds anything wrong he inspects every one of them. However, I will not ask for the third reading of the Bill until Monday, and I will see what the Minister says about it.

Hon. Mr. ALMON—From my experience I do not see how one can put the apples back

in the barrel again. They must be pressed down. I remember going into a store and a question arose as to the quantity of apples in a barrel. The clerk in the store took the apples out, and he could not put them all back again.

Hon. Mr. McKAY—I think it is the owner of the property that has to do the labour; the inspector looks on.

Hon. Sir JOHN CALDWELL ABBOTT—The Act does not say that.

Hon. Mr. McKAY—It is the case with fish, I think.

Hon. Mr. DICKEY—The clause could be made more clear by adding the word "examined." As the Premier has pointed out, a barrel of apples, unlike a barrel of flour, cannot be examined without taking out the head, examining the apples and putting them back again and putting in the head. Will this examination be made? I believe it will not. The examination, such as has been spoken of by the Premier, that is, taking out the head of the barrel, taking the apples out and examining them to see if they are equal in size and of equal quality, then putting back the apples and the barrel head again, will not likely be done. That is just the trouble. Most barrels of apples are filled very well for inspection for a few tiers down. Then in the middle the small members of the family come in. That used to be so well known that at last they got in the habit of turning the barrel upside down to examine the contents; but the producers of apples were equal to the occasion, and afterwards it was found on examination that there was about as many tiers of good apples at the bottom as there were at the top, and the examination amounted to a farce, because the apples appeared to be good whichever end of the barrel was opened. That is the trouble in making such a law. If you say that the inspector shall only charge for the barrel he examines and brands—that I believe is the intention of the clause, but it would make it more clear to use the words—then you would leave it to the option of the inspector to go on and examine every barrel.

Hon. Mr. POWER—I think that if the construction put upon the Bill by the hon. gentleman from Amherst is correct, the inspector would find a great many indications of fraud in the packages of apples, because his fees would depend then on the discovery of something wrong, and he would naturally be very keen-eyed indeed.

Hon. Mr. PROWSE—I would suggest that sub-section 4 be struck out of the Bill altogether, and the fee made 2 cents instead of 10 cents. That would leave the simple inspection to the inspector, and the labour connected with it would be left to the owner of the barrels of apples. I know that is the case in the inspection of mackerel. The inspector has nothing to do except to examine the mackerel in the barrels, and the owner of the fish repacks the barrels. The owners of apples would prefer that, I think: doing the labour themselves and saving a large amount of fees. If you allow the inspector 10 cents per barrel for the inspection it would be to his interest to slight his work. He would say: "I will not take every apple out of the barrel, because I would have to employ some one to put them back again carefully;" but if he gets 2 cents per barrel for putting his brand upon them he would see that the owner took them out and showed that they were up to the standard claimed, and he would have nothing to do but to put his brand upon the barrels. That would be a better way to secure a good inspection.

Hon. Mr. DEVER—I think ten cents a barrel would amount to quite a fee, because it is evident if the inspector had 100 barrels to inspect, he would examine only one-fifth of them, for which he would get fifty shillings. If he inspected every barrel correctly and faithfully, I do not think that ten cents would be too much, but if he inspected only one in every five, he could inspect a couple of hundred barrels in a day, and make quite a profitable business of it.

Hon. Sir JOHN CALDWELL ABBOTT—I defy him to inspect more than ten per cent of two hundred barrels in a day. I know something about packing apples.

Hon. Mr. DEVER—Supposing he branded 200 barrels of apples a day, since he only had to open one in five, or twenty per cent., he would make in fees $20 a day, which is too much.

Hon. Sir JOHN CALDWELL ABBOTT—He would require to have assistance. He could not do it alone.

Hon. Mr. POWER—I think there is a great deal in the suggestion of the hon. gentleman from Murray Harbour. There should be a small charge to cover the inspection alone, and allow the owner of the apples to replace them in the barrels and head them. Probably the replacing of the apples in the barrel, and heading the barrel, would be better done by the owner than by the inspector, and the cost to the fruit grower would be considerably less. I think it would be better to amend the clause by striking out the last words.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will perceive that this inspection is not compulsory. If the owner does not choose to have the advantage of an inspection which can be relied upon, he need not pay his ten cents; but the Government would like to have the inspection so done that the party would be satisfied it was thoroughly done. If the inspector merely looks at the apples, examines them and finds them all right, he is supposed to stand there for two cents while the process is being gone through of replacing the apples and reheading the barrels. Surely he is not going to stand there all the time that that is being done for the sake of two cents, and if he does not do so his inspection will not be reliable.

Hon. Mr. POWER—In the case of the inspection of fish, I do not think the inspectors replace the fish in barrels, and I do not see that that argument would apply in this case.

Hon. Sir JOHN CALDWELL ABBOTT—The owner of the apples may have other apples in the same room or warehouse where the inspection took place, and he may take the barrels, after the inspector has inspected their contents, and empty them and put inferior apples in their place and head them up. The repacking of apples, heading of the barrels and branding them must be done in his presence. I do not see why an element of doubt or uncertainty, that might expose the Government to censure, should be introduced into this measure. No man need have his apples inspected unless he chooses to do so. The practice of fraudulent packing has prevailed to such an extent that inspection has become necessary for those who wish to get value for their apples. The value of all the apples put upon the market is reduced at least ten per cent by the doubt whether the apples on top or at the bottom correspond with those in the middle. If the inspector does not perform his duty by taking out the apples and examining them, surely there is a remedy. The man who sells the apples will have a perfect right not to remit the inspection fee, and the man who buys the apples will have a right—no doubt will exercise the right—to complain to the Government if the apples have not been properly inspected. The Bill itself, it seems to me, makes good provisions, and there is obviously a remedy if those provisions are not carried out.

Hon. Mr. KAULBACH—The brand itself should be a guarantee that the contents of the barrel are what is represented. Without that the inspection would have no value whatever. If it is to be done thoroughly, I doubt if the inspection fee charged is too much.

Hon. Mr. DEVER—I do not think a fee of two cents would be of any possible use, but I think if the inspector charges ten cents he should be compelled to examine every barrel.

Hon. Mr. DICKEY—It would increase the cost enormously.

Hon. Mr. MacINNES (Burlington) from the committee, reported the Bill without amendment.

The report was agreed to.

The Senate adjourned at 5.15 p. m.

THE SENATE.

Ottawa, Monday, June 13th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

OTTAWA, WADDINGTON AND NEW YORK RAILWAY AND BRIDGE COMPANY'S BILL.

Hon. Mr. VIDAL moved the second reading of Bill (68) "An Act to revive and amend the Acts respecting the Ottawa, Waddington and New York Railway and Bridge Company." He said: This is no new Bill before this House. It is a proposition to revive a charter that expired some time ago. I am informed, however, that the opposition which on a former occasion was made to it—in fact to the extent of obtaining an opposing charter

—has entirely disappeared. The opposing forces never even organized at all or took any steps under their charter, and there is now no real opposition on their part to the passage of this Bill. It will be observed by hon. gentlemen that an important point which attracted attention in this House some time ago was to have legislation which would secure something being done by these companies. The great fault to be found was that the charter remained inoperative. In the present proposed Bill it is required that 25 miles of the railway shall be constructed and fit for use within two years, and if that is not done the charter now to be given them will cease. I do not know that the Bill requires any explanation. An opportunity will be offered when the Bill goes to the Railway Committee for any who are opposed to the Bill to explain the grounds of their opposition.

Hon. Mr. ALMON—I am not at all astonished to find a Bill like this in the hands of the hon. member from Sarnia. Hon. gentlemen will recollect that this company had five years within which to build its line. We gave them two years more, and finally nothing was done. The work was not even commenced. Another company was organized and chartered, and we allowed that company five years, and they did not even commence the work. I congratulate the hon. member from Sarnia on having got another project of this kind in his charge.

Hon. Mr. KAULBACH—This corporation had an existence of ten or twelve years, and as my hon. friend says there were two contending parties. I hope the hon. member has some assurance, other than what is contained in the Bill, that the company intend to go on with the work. The mere statement that unless they build a certain part of it in two years they will forfeit their charter is hardly a sufficient guarantee. I hope this is a case of the survival of the fittest, and that there will be no conflict with another company. If there is no such conflict I shall have some hopes of this road being built. I hope the hon. member will be in a position to show the committee, when they meet, that this company has some means to proceed with the work.

Hon. Mr. VIDAL—I am happy to be able to inform my hon. friend that I have received an assurance, which I think can be relied on, that it is intended to go on with the work. Let me remind the hon. member from Halifax that the fact of the delay being so prolonged necessarily followed the granting of a second charter. The very hour that the second charter was granted, the first company was unable to raise funds to go on with the work. That opposition has now disappeared and the intention of the company is to proceed with the construction of the line without delay.

The motion was agreed to, and the Bill was read the second time.

BILL INTRODUCED

Bill (P) "An Act to make further provision respecting grants of land to members of the Militia Force on active service in the North-West." (Hon. Sir John Caldwell Abbott.)

The Senate adjourned at 3.40 p.m.

THE SENATE.

Ottawa, Tuesday, June 14th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

GENERAL INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day being called for the third reading of Bill (N) "An Act to further amend the General Inspection Act."

Hon. Sir JOHN CALDWELL ABBOTT said: I asked that this Bill be fixed for a third reading after a considerable interval, in order that I might enquire into the question raised about the charge for inspection. I find that perhaps we were all under a little misunderstanding in discussing it here, as the clause is printed in brackets and will have to be dealt with by the other House. However, I have had some conversation with the Minister about it, and he agreed with me in thinking that ten cents had better be made the maximum, and it should be left to the Governor in Council to fix the fee not exceeding ten cents, and a little experimenting would enable us to decide whether that was to be the charge or not. He tells me that

those who are interested in the apple trade are satisfied with it, but still we should give a little latitude and allow the Governor in Council to fix the fee after some experience of the working of the Act. I think the best way would be to strike out sub-section 4 of section 7 altogether, and let the fee be fixed in the other House. It does not matter whether we strike out the amount of the fee and leave it in blank, or strike out the sub-section.

Hon. Mr. POWER — We have a right to prescribe the fee in a case of that kind.

Hon. Sir JOHN CALDWELL ABBOTT—That does not seem to be the impression.

Hon. Mr. POWER—The clause is generally printed in italics when it is a matter to be dealt with in the other House.

Hon. Sir JOHN CALDWELL ABBOTT—Yes ; or, as in this case, in brackets, but we do not pass it when it is in brackets or italics. We deal with the Bill as if the clause was not there, and it goes down to the other House. I move that sub-section 4 of section 7 be struck out

Hon. Mr. POWER—When the Bill was in committee there was some discussion on another point in connection with that sub-section —that is, as to the desirability of striking out the last portion of the sub-clause : "Such charge shall cover the cost of opening and closing the package." I notice in reading the Inspection Act that section 79, which deals with the inspection of fish, makes provision for the owner of the article to be inspected opening and closing the packages, and in such case, though the inspector is not allowed any charge for cooperage, the work must be done under his direction. It has occurred to other members of the House that considering the great care which is necessary in order to get the apples which are to come out of the barrel into the barrel again, they should be re-packed under the supervision of some person who is interested in seeing things properly done, and it would probably be better done under the supervision of the owner, or some one employed by the owner. There is just one other small point to which I should like to call the attention of the Premier. If he looks at the Bill he will find that there are no less than three repealing clauses. That is not the general way of doing the thing, and it would be more workmanlike if we put all the repeals in one clause at the end of the Bill.

Hon. Mr. READ (Quinte)—There is another thing about this : It seems to be a permissive Bill ; but the inspection would be one-tenth the value of the article inspected. Apples are sold throughout the country at from 90 cents to $1 per barrel, and a fee of 10 cents would be one-tenth the cost of the article. That is a very large proportion of the original cost of the article.

Hon. Mr. MILLER—It should be considered that the inspection is not compulsory, and I presume it will be rarely resorted to, except where apples are barrelled for exportation.

Hon. Mr. ALMON—I think the whole object would be attained if the grower selling apples was obliged to put his own name, and the county from which they come, on the barrel. I think this inspection of one barrel in five will scarcely meet the object that is supposed to be attained by it. There will be four barrels out of the five still uninspected, and it will be to a man's interest to put in some barrels of an inferior grade and take his chance that they will not come under the hands of the inspector.

Hon. Mr. KAULBACH—The grower generally puts his name on his apple barrels now, and many persons in Nova Scotia are not satisfied with that. They desire that apples that are shipped across the Atlantic should be branded so that the buyer will have some guarantee that they are of the character they are represented to be. I think the inspection of apples should be different from that of fish or of any commodity of that kind. My opinion is that apples will not be packed in barrels and re-opened for inspection. I think the inspector will go to the warehouse and inspect them in the bins or in the orchard, where they will be put up under his eye. Otherwise if they are re-opened and re-packed they would deteriorate very much.

Hon. Mr. READ—There is a very strong objection to the grower putting his name on the barrels ; it leads to direct business relations between him and the consumer. I know several cases where very strong objections were raised for putting the grower's name on the barrels.

Hon. Mr. SCOTT—It seems to me to be straining the constitutional usages of this House to say that we cannot propose any tax where the service is purely optional with the party who has his apples inspected. It should not be held that we cannot interfere with a clause of this kind. I think it is carrying the principle rather further than usual.

Hon. Mr. MILLER—We all know that this House has not the power of initiating taxation.

Hon. Mr. SCOTT—There is no tax here.

Hon. Mr. MILLER—The principle is involved, and there can be little doubt that the House of Commons, jealous of its privileges, would question any interference, or assumed interference, with those privileges, especially in so important a matter as that of taxation. It is better for the House of Commons to introduce that clause. Even supposing our right was only questionable it would be better to allow the House of Commons to initiate it themselves and allow the Bill to be sent up to us again with the amendment, and we can approve or disapprove of it as we please afterwards. My hon. friends know well that in the House of Lords the custom is to introduce these clauses in red ink, and they go down and are passed in the Lower House. They are not passed in the House of Lords first, although printed in the Bill in different ink. It could be done in this House in the same way.

Hon. Mr. DEVER—Supposing the House of Commons puts in a fee that we do not choose to agree with here, what would happen then ?

Hon. Mr. MILLER—We can reject it.

Hon. Mr. DEVER—We are against the fee now.

Hon. Mr. MILLER — We can decide that question when the Bill comes back.

Hon. Mr. PROWSE—The Bill provides that this inspection shall be optional. I think it will be found in practice that it is not optional with the growers of apples. Once it is known that we have a system of inspection of our own in Canada, buyers of apples will only buy on the Government inspectors' brand, and any barrel that is not inspected will be looked upon only as rubbish or the refuse of all the rest. I should like to see the inspection fee so small that it will induce everybody to get his apples inspected, and then anything that is not inspected will be looked upon as refuse. I think that the suggestion made by the hon. gentleman from Lunenburg is a wise one, that the inspector should go to the orchard and inspect the apples there before they are barrelled up. I agree with the leader of the Government that this matter should be left with the House of Commons.

Hon. Mr. ALLAN—Does the hon. gentleman suppose that any apples except those that are shipped for export will ever be inspected ?

Hon. Mr. PROWSE—I think certainly they will be inspected, because the conclusion will be arrived at by everybody buying apples that if the barrels are not inspected they must be No. 3. If a party is sending an order for apples he will ask for No. 1, No. 2 or No. 3, and if he gets apples that are not inspected he will take it for granted that they are the refuse of the orchard.

Hon. Mr. REESOR—I understand that the object of imposing this inspection fee is simply to cover the expense of inspection, and is not an attempt to put anything like a tax on what the people purchase. I understand that the amendment is made to the Act in response to a request of the Horticultural Society of Ontario. Those who are engaged in the shipping and growing of fruit have been anxious for some time to have their fruit inspected, in order that they may realize better prices and not have the value of their apples injured by the sale of carelessly-packed fruit. With regard to the amount of the inspection fee, I do not think it is tooo high, and for this reason, that if you have an inspector who will do the service properly you must have an expert who is acquainted with all the varieties of fruit that are being shipped ; for he is obliged by this clause to name the variety and brand it upon the package after the inspection, as well as the quality of the fruit. So that under the circumstances, as far as my recollection goes, and I have read the discussions on the subject in the *Horticultural Journal*, I think this Bill is pretty fully in accord with what they ask for. The inspection is not compulsory, but is left to the parties who are engaged in

the trade if they desire to have their fruit inspected to have it done.

Hon. Sir JOHN CALDWELL ABBOTT—I may say to my hon. friend that the Bill is the result of the conference between the Minister of Agriculture and the committee of the Horticultural Society, and the Bill is exactly as the society wants it.

The amendment was agreed to.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

WINDING UP ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (O) "An Act to amend the Winding Up Act." He said: This Bill provides for the amendment of the Winding Up Act in two particulars—matters which have been sent to us from Ontario in consequence of difficulties, which these clauses will remedy, having been found in finally winding up a company or corporation in liquidation under the Winding Up Act. When the Bill comes before the House in committee I will be able to go into precise details as to the effect of these two amendments to the Act.

The motion was agreed to, and the Bill was read the second time.

THE NEGOTIATIONS AT WASHINGTON.

ENQUIRY.

Hon. Mr. SCOTT—I should like to know if the Premier is in a position to fulfil the promise that he made last week, that he would, at an early day, advise the House as to the result of the recent negotiations at Washington.

Hon. Sir JOHN CALDWELL ABBOTT—I regret to say that I am not yet in a position to do so. We have been so much occupied with other matters, some of them connected with the negotiations referred to, that I have been unable to confer with the gentlemen who visited Washington. However, I hope to be able to furnish the information by Friday next.

The Senate adjourned at 3.50 p. m.

THE SENATE.

Ottawa, Wednesday, June 15th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (87) "An Act respecting the Montreal and Lake Maskinonge Railway Company." (Mr. Dickey.)

Bill (68) "An Act to revive and amend the Acts respecting the Ottawa, Waddington and New York Railway and Bridge Company." (Mr. Vidal.)

BURRARD INLET TUNNEL AND BRIDGE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (65) "An Act to incorporate the Burrard Inlet Tunnel and Bridge Company," with an amendment. He said: The amendment explains itself. It requires that in the case of a bridge across the second narrows of Burrard Inlet the bridge shall be 150 feet above high water mark, or that there shall be an open span 150 feet wide, with a drawbridge.

Hon. Mr. MACDONALD (B.C.) moved that the report be taken into consideration on Wednesday next.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. CASGRAIN moved—

That when the House adjourns this day it do stand adjourned until Tuesday, the 21st inst., at 8 o'clock in the evening.

He said: My reason for making this motion is that to-morrow will be a holiday, and on Friday there is generally very little done. By this adjournment only one day will be lost—Monday next. It will be observed by looking at the Orders of the Day that there is very little business before this House. Yesterday we had only two items, and to-day there are only two, while for to-morrow and the next day there is only one item. If we are to judge by the statements which are made by persons supposed to be in a position to speak on the subject, the session will last until September, and we ought, therefore, to take a few days recess and get away from this hot place.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend anticipated me in giving this notice of motion, only I think if I had given the notice myself I should have made the adjournment to Monday next instead of Tuesday. However, as there has been no progress made with ordinary Bills in the other House, and there does not seem to be any immediate prospect of the conclusion of the debate on the Redistribution Bill, I do not think the public service will suffer by granting the motion of my hon. friend.

The motion was agreed to.

THE OLD FORT AT ANNAPOLIS.

ENQUIRY.

Hon. Mr. ALMON inquired—

Whether it is the intention of the Government to sell in building lots a portion of the historic fort at Annapolis Royal ?

He said : I must again wish that this matter had fallen into better hands than mine, but I will explain briefly, and as concisely as I can, my object in making this inquiry. A rumour has reached Annapolis that the Government intend selling a portion of the ground referred to in my inquiry for building purposes, which will, I have no doubt, put a little money into the treasury. The Goths and Vandals pulled down the monuments of antiquity for the purpose of turning the metal they were composed of into coin, and the marble statues into lime. I hope that this Government will not follow the example of the Goths and Vandals. My reason for wishing to have this fort preserved is on account of the antiquity of Annapolis, or Port Royal, as the French called the original settlement. Port Royal was founded by De Monts in 1605, and was taken and destroyed by some Virginians, under the command of Captain Argall, in 1613. At the Treaty of St. Germain it was returned to the French, who, in the years between 1636 and 1645, built the present fort. I had the pleasure of going through that fort a few years ago with Col. Hewitt, the gentleman who first took charge of the Military College at Kingston, and he told me it was one of the best specimens of fortifications of that kind he had seen. It was built by a Frenchman named d'Aulnay Charnisay. The fort was taken in 1654 by Sedgwick. It was afterwards surrendered to the French, and was again taken by Phipps in 1690, and was finally taken by Nicholson in 1710, when the name was changed to Annapolis. It underwent two sieges from the French after that, one where the Indians and Acadians were commanded by the Jesuit priest Le Loutre, who was a good deal more of the soldier than the priest. I have frequently, when a boy, seen the cannon balls ploughed out of the fields surrounding the fort. In this country, where we have so little of historic interest, we should be careful to preserve what little we possess. There is an old granite boulder in the neighbourhood of Fort Annapolis about a mile and a quarter or a mile and a half from the fort where an Indian, who was gesticulating in a manner not very complimentary to those in the fort, was killed by a musket shot. It was an immense distance for such a weapon to carry a ball. I wanted to get a plan of the fort to exhibit here, but strange to say, by a peculiar arrangement, which perhaps the leader of the Government will explain the reason for, the archives belong to the Department of Agriculture, instead of being in the library, where I think they ought to be, they are kept in a cellar in another building. I say nothing against Mr. Brymner, who is a man very well fitted for the situation ; perhaps he could not be replaced, but I think the library would be a very much better place to keep the archives in. If you want to inspect them where they are now you have got to go, at the risk of your neck, to a place very difficult of access, and find your way through packing cases to a badly lighted room. I dare say a great many members of the House do not know where the archives are kept. I think they should be in the library where they would be accessible to every one. Some years ago, when the late Sir Alexander Campbell was leader of the Senate, I had occasion to speak about the old block house at Annapolis. At that time there were only two block houses in Nova Scotia, one at Annapolis and the other at Windsor. The one at Annapolis was the more valuable, because it had been under fire a great number of times. That block house was pulled down by the order of a man named Hall. I do not blame the Government for the destruction of the block house, but I do blame the caretaker, who wanted to use the old building for firewood. His argument was that it was in a dilapidated state, and was in a dangerous condition, but as he was the only one who had occasion to visit the place he could have kept out of the way. I saw a fiendish

smile of delight on the face of my hon. colleague from Halifax when I mentioned this act of vandalism on the part of the Conservative Government. I would remind him that under the Mackenzie regime, when Alfred Jones was Minister of Militia, the old cannon at Fort Beausejour were sold by order of the Government, and now there is hardly a man in Cumberland whose cooking stove is not made out of the iron of the old cannons of Fort Beausejour. I find in Haliburton's History a plan of the building and forts of Annapolis as I first remember them, and it shows the old block house that has since been destroyed. The parts that are left now are what used to be the officers' quarters and the old bomb-proof structure which has all fallen to pieces and should have something done to it. There is also the sally port, and the stones of which it was built must have been brought from France by the French. The ramparts are entire and the ditch is crossed by a draw-bridge, which is now a permanent bridge. The people of Annapolis fear—I trust without any reason—that the Government intend selling a portion of the fort, and have passed a resolution at a meeting of the inhabitants to express their opposition to the selling of any portion of this property. They wish to have it under a board of commissioners, to be kept as part of the property of Annapolis. The old fortifications cover about 28 acres. I trust in this case that the French members, in view of the fact that this fort, which was one of the earliest erections of the French in this Dominion of ours—which was built by their money and defended by their blood—will not see it desecrated.

Hon. Mr. POWER—My hon. colleague gave me credit for something that did not exist. He said he noticed a fiendish smile of delight on my face at the thought of a Conservative Government being capable of such an act of vandalism as this. I do not think there was a smile, and I certainly was not thinking about a Conservative Government at the time at all. I thought it was a pity, when steps had been taken to preserve antiquities of this sort, that we should be deliberately destroying them. There might be some excuse if Annapolis were a very large town and this were a small open space in the middle of the municipality which was very much needed for business purposes, but the fact is Annapolis is a small town and there is plenty of land around it owned by private parties and for sale at reasonable prices. I sincerely hope the Government have no intention of selling the site of this, I think, the oldest fortification in Canada. Annapolis is, I believe, the oldest town in North America north of St. Augustine, Florida. It was built two years before Jamestown, Virginia. This is the resolution to which my hon. friend refers :

"At a special meeting of the Annapolis Mercantile and Improvement Association, held on Monday evening, 6th June, 1892.

" Present : W. J. Shannon, president ; A. M. King, H. Salter, T. S. Whitman, John H. Runeiman, A. Potter, J. E. Crowe, R. J. Uniacke, F. Seavill, R. A. Carder, E. C. Cowling, J. M. Owen, C. D. Pickels, Wm. Malcolm, George McLaughlin, H. A. West, E. D. Arnaud.

" Moved by R. J. Uniacke, seconded by Thos. S. Whitman, and carried unanimously by a standing vote of all present,

" That whereas a report has reached this association that the Dominion authorities contemplate the selling of building lots along the street front of the Garrison grounds in this town ;

"And whereas, in the opinion of this association, such a course would totally deface the natural beauty of these grounds, and be in direct opposition to the universal desire of the general public ;

" Therefore resolved, that this association express their disapproval of such a disposition of the street front or any portion of the said Garrison grounds, of the sale or lease of the same, and submit to the authorities the propriety of placing the whole of the said property under the care of commissioners, to be utilized and beautified for a park and pleasure resort for the inhabitants of the town of Annapolis Royal."

I may be allowed to make just one other remark : that if this course (which I hope unjustly is attributed to the Government) be taken, the Canadian Government, which has got a great deal of credit amongst antiquarians and historians for the very valuable work done by Mr. Brymner and his assistants, would certainly suffer very much in reputation ; and further, the influx of visitors from the United States to Annapolis would probably be very considerably diminished, as one of the great points of attraction at Annapolis now is this old fort, in which Americans are very much interested, as it was twice taken by the colonists of the older colonies.

Hon. Mr. POIRIER—I hope there is nothing in the rumours that have attracted the attention of my hon. friend from Halifax to this subject, and caused him to make the in-

quiry. I hope it is not the intention of the Government to sell any part of the historic grounds appertaining to Annapolis. It is too sad already that the cannons and what remained of those fortfications have been sold or given away. Those acts of vandalism, I think, should not be repeated. There is nothing in the history of the fort or of Annapolis that recalls bitterness, or anything that would produce ill feeling. It is a purely historical spot of great historical value. Neither of the belligerents of that time, French or English, can connect anything that can create ill feeling now, or could ever create ill feeling in connection with Annapolis or the battles that have been fought there, or the defeat of one party or the victory of the other. Of all the forts, of all the military places now pertaining to Canada which formerly belonged to France, there is none in the whole history of Canada which, from a military point of view, shows the battles better defended on the one side and more gallantly fought on the other. Fort Royal, or Annapolis, as you are aware, succumbed only after the fourth invasion by the English, and on the fourth invason Nicholson had more soldiers under his command than there were Acadians in the whole peninsula of Nova Scotia at the time. The battle was fought manfully and in the most chivalrous spirit. As an example, when the French commander surrendered to Nicholson he had only one hundred and fifty soldiers in the fort and the inhabitants outside the fort, and some Abenakis Indians. The conditions that Nicholson gave to the French commander were most honourable in the matter of surrender. The garrison was allowed to go out with flying colours. More than that, they were allowed ships to return to France, and the English were to present arms as the surrendering garrison walked past. All those conditions were most faithfully executed by Nicholson, who was a true knight, as there were then, and as I am sure there are now. He fulfilled all the obligations that he undertook, although it was a sad surprise to him when he saw that the garrison only contained a handful of men. Not only this, but I remember this anecdote about it which does credit to Nicholson for keeping his word, knight as he was, and for the spirit of Subercase, who was a Norman. Subercase had not paid his men for a year. They were that much in arrear and were so dissatisfied that he was afraid to trust them out of the fort. He was an honourable man and wanted to pay his men, but he could not get money from France. The king had no money to spare from his pleasures, and the expense of keeping up his courtesans, to pay his soldiers. Nicholson had allowed Subercase seven cannon for his own use. There was not a horse or an ox to take them out of the fort, and he would have been obliged to leave them behind him. Subercase asked Nicholson to buy them, and Nicholson allowed him 7,500 livres for the cannon, and with this money Subercase paid his men and the garrison went out with flying colour. Those incidents show that there is nothing attached to the history of Annapolis that is of a nature to recall bitterness on the part of the belligerents on either side. It is a place to which strangers resort to get an idea of what the old forts, of which they have read in novels and history, look like. I, myself, was there two years ago, and met many of our people at the place. I met Americans also, and I am aware that a great many people from the United States visit the old fort. They go to St. John and cross the bay with a view to seeing those works. Therefore, I hope there is no foundation for the statement that the Government will finish what was begun by another Government—that is, the demolition of those historic grounds, which should be kept as a souvenir of a former age, and not only that, but which are of value to our provinces through the attraction they furnish to tourists who visit the historic land of Evangeline. I must thank my hon. friend from Halifax for having called the attention of the House to this matter, and I trust that the reply from the Premier, a knight himself, will be that he will carry out the conditions which were so honourably fulfilled by Nicholson, that the fort, which still exists there to a certain extent, shall be preserved from further vandalism and destruction.

Hon. Mr. ALLAN—I sympathize with our colleagues from the lower provinces in their anxiety to preserve a historical work, which, I am sure, is of very great interest to all Canadians, and which must be especially so to them. We Canadians, taken generally, have displayed a laudable anxiety to preserve, as far as we can, everything connected with the early history of this country, and the various stages through which it has passed

in its development from separate provinces to the Dominion of Canada, and the Government of Canada also, by the care which they have taken in the Department of Archives, under Mr. Brymner, have done all in their power to preserve everything of interest connected with the history of the Dominion. It would be very contradictory indeed if now they allowed an old historical work of this kind, which is not only of interest to all Canadians, but of special interest to those who dwell in that part of the country, to be removed or destroyed in any way. I confess I have great hopes that such an appeal will not be made in vain to the Premier who, I know, takes a deep interest in all matters of that kind and who, as the owner of a historical place himself, will sympathize deeply with what has fallen from the hon. members from Halifax and the hon. member from Acadia.

Hon. Mr. KAULBACH—I am sorry that my hon. friend from Halifax did not bring up this matter in some other way if he anticipated a debate on it. Of course his remarks, and those of the hon. gentleman who followed him, are very interesting. Although I know the place of which they speak very well, I am not sufficiently familiar with the ground itself to know whether any portion of it could be sold without disadvantage to the rest. It may so be unshapely that some part of it could be disposed of without destroying the historic interest attaching to the remainder of it, but certainly the sale of anything which has historic value in that place would be opposed by everybody who takes an interest in the works that remain at Fort Annapolis. I understand there are some 28 acres of land there; it may be that some portion of it might interfere with the improvement of the town of Annapolis

Hon. Mr. POWER—No; not a bit of it.

Hon. Mr. KAULBACH—I say it may be so—I do not know, but certainly any action that would destroy the beauty of the place, or wipe out the historic interest in it, would be very generally disapproved of. My hon. friend said that there was only one block house in Nova Scotia now.

Hon. Mr. ALMON—The only one now, I believe, is at Windsor.

Hon. Mr. KAULBACH—We had one at Lunenburg, but that is gone.

Hon. Mr. ALMON—That is what I say; the only one that is now left in Nova Scotia is at Windsor.

Hon. Sir JOHN CALDWELL ABBOTT—sympathize very strongly with the views that have been expressed by hon. gentlemen on the subject of the preservation of this old historical monument, and I can only regret that I cannot to-day give a positive answer to the question which my hon friend puts to me to-day. I asked the Minister of Militia, on observing this notice, what were the facts with regard to it, and he was unable to tell me, not being aware that any steps whatever had been taken for the purpose of selling any portion of this property. I shall, however, get a decided answer either this afternoon or to-morrow, and shall lay it on the Table next time the House meets, but I sincerely hope that there may be no cause sufficient to justify infringing on the property in any way. It is possible, as my hon. friend has said, that it may be necessary to dispose of a portion of the land. I do not know the location of it at all, but I should much prefer to learn that there is no necessity for disturbing this old historic place in any way or form whatever. I shall be able to lay information on the subject before the House on the occasion when we next meet.

INTERNAL ECONOMY OF THE SENATE BILL.

WITHDRAWN.

The Order of the Day being called for Committee of the Whole House on Bill (I) "An Act respecting the Internal Economy of the Senate."

Hon. Sir JOHN CALDWELL ABBOTT said: I have been reflecting upon this Bill, and upon the diversity of opinion which has been almost daily communicated to me from members of this House since the Bill was introduced. Two important modifications have been placed of record, as notices of motions to be made when the Bill comes up in committee, and I think, as there is no special pressure for the Bill, we should all perhaps be better for a little time for reflection on it, and I think I shall not proceed with the measure this session, but, with the leave of the House, shall withdraw it. The object I had in view, as I explained before, was two-fold—first to place this House in proper business connection with the financial part of the Gov-

ernment, which at present it is not, and, second, to provide a somewhat more efficient—as I thought—mode of dealing with the most important of the incidental matters which constantly come before this House. If I were to adopt the suggestions which have been placed on the notice paper, I should be practically creating another committee on contingencies, for which I see no possible necessity, and therefore I think it would be difficult to adopt either of those suggestions. On the other hand, I do not wish to press upon the House any measure the principle of which is considered in any respect objectionable to the House, and I am in hopes that before next session, if members of the House will consider the question and see the importance of making some provision in the direction which the Bill indicates, we may be able to get a Bill which will serve the required purpose. In the meantime, I think I could make long strides in the direction of meeting the views of the hon. gentleman who placed the motions on the paper by making the Contingent Accounts Committee next year a little fewer in number, and thereby more efficient, and perhaps that experiment might be tried before making any more radical change in connection with the House. I move, therefore, that this Order of the Day be discharged, and that I have leave to withdraw this Bill.

Hon. Mr. MILLER—Had the Premier not made the suggestion which we have just heard, I was going to throw it out as coming from myself, in order that he should have time to consider between this and the beginning of next session some such regulation of the Contingencies Committee. I presume, from the expressions I have heard in the House since this Bill was before it, that a committee on contingencies, based on some such principle as that which is stated in the amendments proposed by the hon. members from New Westminster and Glengarry, would be perhaps acceptable to the House. For my own part, I served a great many years on that committee, and always endeavoured to do the best that I could to promote the interests of the House in connection with the duties of the position; but I should be very much delighted if I should be left off such a committee in the future. I have done as much work on that committee as I think I ought to do, and I should be very much pleased to leave it in other hands. Our Committee on Contingencies is too large. I think a smaller committee—perhaps one of 15——

Hon. Mr. KAULBACH—Half that number.

Hon. Mr. SCOTT—Five.

Hon. Mr. MILLER—No; I just throw it out as a hint of my own, that the committee should be composed of say three from each of the great divisions of the Confederation—Ontario, Quebec, the Maritime Provinces and Manitoba. That would be twelve, and then with such representatives from other portions of the Dominion as they would be entitled to, we would have about fifteen or something like that, and the committee would then be as large as it ought to be.

Hon. Mr. KAULBACH—I am glad that my hon. friend the Premier has withdrawn this Bill for the present. The trouble is that the committee is too large; but I do not believe in recognizing sectionalism. We should have no provincialism about the formation of this committee. At the time of the Confederation of the provinces it was thought that it would be impossible ever to overcome provincial prejudices, and that we should never be free from provincialism. I think we have already outgrown that feeling; we feel that we are Canadians from one end of the Dominion to the other. No matter where we come from our sympathies are for the whole country. I think we should get the best men, irrespective of where they come from.

Hon. Mr. MILLER—All the members are perhaps not as magnanimous as the hon. gentleman is.

Hon. Mr. KAULBACH—I hope if the committee is to be seven or nine that it will be composed of the best men we have, and I do not care where they come from if they are men of independent character and not easily swayed by inducements or solicitations from any source.

Hon. Mr. POWER—I agree with the hon. gentleman from Lunenburg in thinking that the introduction of this system of having a certain number of members from each province is not a desirable departure. We should not recognize sectionalism unless it is absolutely necessary. In this case it is not necessary at all. The better way, in selecting the committee next year, would be to adopt the suggestion of the hon. gentleman from Richmond

and appoint about fifteen men who have proved themselves useful and economical members of the committee, without reference to the province from which they come, because after all the remote provinces are not much interested in the work of that committee. The work is chiefly in this neighbourhood.

Hon. Mr. McINNES (B.C.)—I am exceedingly pleased to hear that the leader of the Government has fallen in with the views contained in both of the amendments which were proposed to the Bill.

Hon. Mr. POWER—I do not think that he has.

Hon. Mr. McINNES (B.C.)—Yes ; to reduce the number from what it is at the present time. The Committee on Contingencies is composed of no less than 36 members. That would be reduced to 11 if the amendment of which I gave notice some time ago were adopted. I think every purpose would be served, as I mentioned at the time I gave that notice, if the plan were adopted that I have suggested. But the House must be rather surprised to hear the hon. gentleman from Lunenburg and the senior member from Halifax decrying sectionalism. I do not believe in sectionalism any more than the hon. gentlemen, but I should like to know if there are any two members in this House who would more strongly oppose any measure by which the representation of their province in the Cabinet would be reduced than these gentlemen. We should hear their voices on every occasion possible denouncing it. I think as long as there are men from every province that are quite capable of taking their place on that committee, or any other committee, of this House, it is only a matter of justice that the courtesy should be extended to that province, although not as large or populous as the older provinces of Canada. The leader of the Government when he named The leader of the Government, when he named his arguments, that he would take a representative from each province.

Hon. Mr. KAULBACH—It was a very bad argument.

Hon. Mr. McINNES (B.C.)—I do not know that it is such a very bad argument. I think myself, that probably in that particular case it would be just as well to have taken legal or professional men from the different provinces wherever they were to be found, but in dealing with the internal economy of the Senate, and with the finances under the charge of the Government, I think that a non-professional could probably discharge the duties just as well as if he were a lawyer.

The motion was agreed to.

GRANTS OF LAND TO MILITIA FORCE BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (P) "An Act to make further provision respecting grants of land to members of the militia force on active service in the North-West." He said : This Bill is a very simple one, and for the purpose of doing an act of justice to the militiamen who are entitled to the land grants. The privilege of obtaining those land grants was given by an Act passed last session, which limited the time within which the militiamen must choose their locations, and that was really, for the most part, in the winter. It is obvious that it would be very difficult indeed to make a proper selection of a prairie farm when it was covered with snow. The Government thought it but just to grant an extension of time so as to give the militiamen an opportunity of making their choice in the summer.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 4.10 p.m.

THE SENATE.

Ottawa, Tuesday, June 21st, 1892.

The SPEAKER took the Chair at 8 p. m.

Prayers and routine proceedings.

THE LIBRARY OF PARLIAMENT.

REPORT OF THE COMMITTEE DROPPED.

The Order of the Day being called for the consideration of the First Report of the Joint Committee of both Houses on the Library of Parliament,

Hon. Mr. ALLAN said : I find on inquiry that this matter has been dropped in the other

House. I presume, as it is necessary to have the concurrence of the other House in a report of this kind, all I can do is to move that the Order of the Day be discharged.

The motion was agreed to.

THE WINDING UP ACT.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (O) "An Act to amend the Winding Up Act."

Hon. Mr. OGILVIE, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

THE PRINTING OF PARLIAMENT.

MOTIONS.

The Order of the Day being called—"Consideration of the Eighth Report of the Joint Committee of both Houses on the Printing of Parliament,"

Hon. Mr. READ (Quinte) said: This report makes certain recommendations that have not been adopted in the other branch of Parliament, and consequently the report has been withdrawn. I therefore move that the Order of the Day be discharged.

The motion was agreed to.

Hon. Mr. READ (Quinte) moved the adoption of the Ninth Report of the Joint Committee of both Houses on the Printing of Parliament.

The motion was agreed to, and the report was adopted.

Hon. Mr. READ (Quinte) moved the adoption of the Tenth Report of the Joint Committee of both Houses on the Printing of Parliament.

The motion was agreed to, and the report was adopted.

THE NEGOTIATIONS AT WASHINGTON.

Hon. Mr. SCOTT—Before the House adjourns, I should like to remind the Premier that on Friday last he was about to advise the House on the result of the mission to Washington of two members of the Government some weeks ago.

Hon. Sir JOHN CALDWELL ABBOTT—I hope my hon. friend will excuse me. I had a conference on Saturday with my two colleagues who were at Washington, and was prepared to make a statement to the House to-day, but since the announcement which appeared in the papers this morning with regard to a certain message from the President of the United States we agreed to make no reference to the conference until we see what the text of that message is. So that if this House will excuse me, I would prefer not to make my announcement at present.

BILL INTRODUCED.

Bill (93) "An Act respecting the Midland Railway of Canada." (Mr. Vidal.)

The Senate adjourned at 8.25 p.m.

THE SENATE.

Ottawa, Wednesday, June 22nd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE OLD FORT AT ANNAPOLIS.

INQUIRY.

Hon. Mr. ALMON—Before the orders are called I would like to ask the leader of the Government if he has any more definite information respecting the sale of lots at Fort Annapolis. I think the hon. gentleman said he was not quite certain about his colleague, but that he himself was opposed to the sale, and that he would make inquiries and ascertain if there was any such project in contemplation.

Hon. Sir JOHN CALDWELL ABBOTT—I made inquiry of the Militia Department, to which department I understand this subject belongs, and I have not yet received an answer, but I will endeavour to have it to-morrow.

Hon. Mr. ALMON—I think I can point out it would be a great saving to the Government if they would keep the old fort intact. At present a piece of land is hired at Aylesford, some twenty-five miles nearer Halifax, for the purpose of a militia camp. It strikes me that the twenty-eight acres at Annapolis would answer a very much better purpose. There is the river there where targets could

be moored for practice with small arms and heavy guns without danger. Then there is the salt water bathing there, and the old palisade could be repaired for a small cost, and the buildings, at present in the fort, with a little repair, could be utilized for the cookery, hospitals and other purposes of the camp. There is every convenience in Annapolis, and churches for every denomination, and I should say it would be a very much better situation than the one that is now utilized for the camp, with this advantage, that the Government would not have to pay rent, as they now do, for they would be on their own ground. Perhaps the hon. gentleman would lay that matter before the Minister of Militia also.

Hon. Sir JOHN CALDWELL ABBOTT—I shall have pleasure in mentioning the subject to my colleague, but I am afraid it is too late for this year.

BURRARD INLET TUNNEL AND BRIDGE COMPANY'S BILL.

THIRD READING.

The Order of the Day being called—"Consideration of amendment made by the Select Committee on Railways, Telegraphs and Harbours to Bill (65) 'An Act to incorporate the Burrard Inlet Tunnel and Bridge Company.'"

Hon. Mr. MACDONALD (B.C.) said: In the committee an amendment was made at the instance of the hon. gentleman from New Westminster, fixing the height of the bridge and the width of the swing. I am informed by the promoter of the company that this amendment virtually kills the Bill. First, they cannot get the height that they require for a high level bridge, and, second, the width of the span is too great. Therefore, I shall have to ask that the Bill be referred back to the committee. I am as anxious as my hon. friend to keep the channel free from obstruction. At the same time, the work is required. The land on the other side of Burrard Inlet is coming into use, and is being divided into town lots. I therefore move that the report be not now adopted, but that it be referred back to the Railway Committee, for the purpose of amending the Bill so as to provide that the portion of the bridge which crosses the navigable part of the second narrows of Burrard Inlet shall have a draw or a swing space of at least one hundred feet between the piers.

Hon. Mr. McINNES (B.C.)—I move in amendment that the report be now concurred in, for the reasons that I gave the committee when the Bill was before it. I find that in nearly every important Act on the Statute-book since 1884, relating to bridges across navigable streams, not only is the company compelled to submit all its plans for the approval of the Governor in Council, but that nearly every Bill has a rider fixing the minimum width of the span, in the case of a drawbridge, and the minimum height of the bridge, if it is a high level bridge. The first case to which I will refer the House is that of the Brockville and New York Bridge Company. The company was incorporated in 1886, and this session we passed a Bill to revive, and amend their charter. The third clause of the Bill is as follows:—

"Section three of the said Act of incorporation is hereby amended by adding the following sub-section thereto:

"The height of the arches of the bridge across the St. Lawrence river shall not be less than sixty-one feet above high water, with a sufficent draw-bridge if required by the Governor in Council; the interval between the abutments or piers across the main channel of the said river shall be not less than three hundred and fifty feet, and elsewhere the space between the piers shall be not less than two hundred feet."

We passed that Bill only two weeks ago. It shows that this House was of the opinion that the minimum width of the span and the height of the bridge should be fixed by Parliament, and not left to the Governor in Council. I shall now refer the House to 55 Victoria, chapter 106, an Act to amend the Act to incorporate the Montreal Bridge Company. The first section amends the Act by striking out in line sixteen the words "one hundred and seventy-five" and substituting therefor the words "at least one hundred and fifty." There was no provision in the original Act, it appears, for this; it was left entirely to the Governor in Council to say what the width and height of the bridge should be; but here we last year fixed a minimum by statute. I will refer hon. gentlemen to 53 Victoria, chapter 90, an Act to amend the Act to incorporate the River Detroit Winter Railway and Bridge Company, and to change the name of the company to the Detroit Bridge Company. This Bill provides for the minimum height of the bridge and the width between the piers. The height is fixed at not less than 140 feet. I shall now refer hon. gentlemen

to 53 Victoria, chapter 93, an Act respecting the Montreal Bridge Company. The fourth clause of the Act provides that the plans must be submitted to the Governor in Council for his approval. It also provides that the height of the bridge and the width of the piers shall not be less than a certain distance. It would appear from this that the Government can increase the height or width, but not reduce it, and that was the provision I proposed in my amendment to the Burrard Inlet Tunnel and Bridge Company's Bill. I will next refer the House to sub-section 2 of section 13 of the Detroit River Railway and Bridge Company's Bill, in which care is taken to provide a minimum height. In the same way, as in the case of the Act for the construction of a bridge across the Bay of Quinte, the fourth section provides for a draw or swing of 100 feet clear of the piers or abutments. I might go on and cite some thirty or forty cases of a similar nature, but I will not weary the House by doing so. So impressed was the Minister of Railways when this measure was before the Railway Committee of the House of Commons, according to the statement made by the learned gentleman (Mr. Gemmill) who had charge of the Bill, that he (the Minister of Railways) thought it best to have the minimum height of the bridge and width of the spans fixed by Parliament; but the Minister of Justice thought that the public interests would be sufficiently guarded by adding two or three words to the clause. I happen to know the particular locality where this proposed bridge is to be constructed, and, I may say for the information of the House, that the main channel itself is not more than thirteen hundred feet in width. The bridge will require to be about three-quarters of a mile long, but the main channel is only thirteen hundred feet wide, with a sufficient depth of water to pass a fleet of "Great Easterns" through. The land on the south side is probably 150 feet high, 400 feet from the edge of the water. On the opposite side of the second narrows the land is low, and I am strongly of the impression that a high level bridge will not be constructed there under any circumstances —that it must be a swing.

Hon. Mr. OGILVIE—They cannot do it.

Hon. Mr. McINNES (B.C.)—I am very glad to have the approval of the hon. gentleman from Montreal in that particular; but I would inform the hon. gentleman that there is a current of three to seven knots an hour passing through that channel at every full tide, the same as through the first narrows, where they proposed to tunnel; and the reason why I ask that the swing shall be 150 feet is that vessels may pass with safety up through that channel at all stages of the tide. My hon. friend from Monck, who has a practical knowledge of such matters can probably endorse what I say, that it requires a great deal more sea room to pass through such a channel when you are running with such a strong current than when there is little current. It is true that the largest steamers are not more than 60 or 65 feet wide, but I want to make allowance for 40 feet on either side, so that the current will not force them up against the abutments of the bridge. It was also used as an argument that this is not a great highway, and that it is seldom used by large vessels. I have to inform this House that some of the largest vessels afloat pass up and down through that channel. We have one sawmill there, built by the late James McLaren, of Ottawa, and the late Senator Ross, capable of cutting 300,000 feet of lumber per day, principally for foreign markets. There is another mill also, within a mile of the McLaren mill, about six miles up from this proposed bridge, that does a large export trade. We have in the north branch of the Burrard Inlet, which extends some twenty miles above this proposed bridge, one of the finest granite quarries in the world. So superior in quality is this stone that it is shipped not only to Vancouver and Victoria, but it is also taken over to Tacoma and Seattle, Washington State. Take it for granted that the navigation is not made use of very extensively at present, there is no saying what the future may develop—especially in a new province with such vast and varied resources as British Columbia possesses. I believe that it is not far in the future when practically the whole of Burrard Inlet, from Vancouver, on both sides of it, will be one town, such as the shore of the Bay of Naples presents. These are the principal reasons why I ask that the navigation of that important sheet of water should be protected in every possible way. As I said in the committee, I am as much in favour of the construction of that bridge as the hon.

gentleman who has charge of the Bill, or any other hon. gentleman in this House. I am not opposing it; but while I am in favour of the bridge, I am still more anxious to protect the interests of our navigation. I may also add that if the Bill provided for the construction of a bridge within a hundred miles of Ottawa, or some place that was well known to every hon. gentleman, and where it was under the eyes of the Government, and where they would be capable of forming a correct and disinterested opinion, I would not be so particular; but I apprehend that if the Bill passes as it came into this House, the Government would be guided wholly and solely by the report of the engineer—not an engineer sent out from Ottawa, but probably by some local engineer who might possibly be directly interested in the construction of that bridge and tunnel. It is in order to guard against any possibility of interfering with the free navigation of that beautiful sheet of water, that I propose this amendment. I think the 150-feet span that I provide for is not too great. It is not within 24 feet of as large as the swings of the bridge on the Detroit and St. Lawrence rivers, while the current of these rivers, where these bridges are built, is nothing like as strong as the current of the second narrows. I therefore hope that the House will adopt the report as it came down from the Railway Committee.

Hon. Mr. SCOTT—What is the width of the navigation there?

Hon. Mr. McINNES (B.C.)—The navigable channel there is not more than 1,300 or 1,400 feet in width.

Hon. Mr. READ (Quinte)—As I live within sight of the bridge built on the Bay of Quinte, and as the Government has spent one million four hundred thousand dollars in building a canal to accommodate the traffic which passes through this bridge, I have some experience as regards the operation of it; and it appears that a 100-foot span has proved to be quite sufficient there. I have never heard of any accident. We do not know what may occur, however.

Hon. Mr. POWER—Is there a strong current there?

Hon. Mr. READ—I do not know.

Hon. Mr. McINNES—Is there any current at all?

Hon. Mr. READ—There is the natural current. The waters I speak of are the waters of the Murray canal, connecting Lake Ontario with the Bay of Quinte, through which all the traffic of the canal has to pass, and the opening of the bridge is only 100 feet wide. All the lake boats pass up there every night from Montreal to Toronto, as well as the sailing vessels; and a gentleman told me the other day that he counted as many as forty sailing vessels one night on his passage from Picton to Belleville. As to the bridge now under consideration, with an opening such as is spoken of now, I think you might as well say that the company shall not have a bridge at all. The height of 150 feet is certainly impossible. I had charge of a Bill in this House not long ago, and the Government consented to it, to build a bridge over the St. Lawrence, and certainly we are not going to make a comparison between the waters of Burrard Inlet and the waters of the St. Lawrence.

Hon. Mr. McINNES—No; simply for this reason, that they are lake boats and lake schooners that pass up and down the canals, whereas in the case of Burrard Inlet the vessels are the largest afloat, and there is no comparison to be made. Some of them carry one and a half million feet of lumber.

Hon. Mr. READ (Quinte)—Yes; and we anticipate sea-going vessels sailing up the St. Lawrence when the canals are finished, and we expect, no doubt, to see, as we have already seen, vessels sailing from Chicago through the lakes and these canals and across the Atlantic. I live in sight of the bridge at the Bay of Quinte. The Government have allowed a draw of 100 feet wide there and sailing vessels are passing through it every hour of the day, and the lake steamers take that route also.

Hon. Mr. McINNES—Why do they make 200 feet the minimum on the Detroit River bridge?

Hon. Mr. READ—There is some little difference there. You need not anticipate that you are going to have a Detroit River in British Columbia. No doubt the hon. gentleman anticipates a great deal, and no doubt the Province of British Columbia will be a great province, but it will not be an outlet for a great country such as the waters of the Detroit River are. I think 100 feet will be a

very good span, unless you intend that there shall be no bridge at all there.

Hon. Mr. OGILVIE—If the hon. gentleman from New Westminster carries his proposition it will kill the bridge and tunnel entirely.

Hon. Mr. McINNES—No.

Hon. Mr. OGILVIE—The hon. gentleman may shake his head until he is tired, but I have a telegraphic communication to-day from as good men as there are in British Columbia who are very much opposed to any such amendment. The hon. gentleman acknowledges himself that the high level bridge is next to an impossibility to build. When he was quoting a large number of cases where there were very large and wide openings he did not refer to a charter that we passed a little while ago under which a bridge is built for the Canada Atlantic Railway crossing the St. Lawrence, where there is a current of seven or eight miles an hour, and there it is restricted to an 80-foot draw.

Hon. Mr. McINNES (B.C.)—What year was that passed ?

Hon. Mr. OGILVIE—Not many years ago. It is within ten years anyway.

Hon. Mr. CLEMOW—About five years ago.

Hon. Mr. OGILVIE—I think it was about five years ago. It is 80 feet wide and there is a current there of seven or eight miles an hour, and I think I am perfectly safe in saying that there would be one hundred vessels go through, if not one thousand, for the one that will pass this bridge at Burrard Inlet. A gentleman who knows all about that country stated that he did not believe that hitherto there was one large vessel a year going through that channel, so that the traffic is not large. Then, as to the height of the bridge, vessels are all made now-a-days with their top-masts arranged so that they can be let down to pass under bridges. That is regularly done, and it would not interfere with the navigation ; but a high level bridge cannot be built at the narrows, so that point need not be discussed at all. What they ask for is to have a swing bridge a hundred feet wide, and that is more than ample for the largest vessels afloat to-day. There is deep water and a rapid current there. A narrow channel and a current are all in favour of navigation, preventing vessels from knocking against the piers. I think it would be a pity, if there is a chance of this work being built, to kill the Bill by an unreasonable provision. The Bill was attended to very closely in the other House ; it received the attention of the Minister of Railways, and the Minister of Justice put in an amendment that he thought necessary to make the matter perfectly safe. I know what I am speaking about when I say that if the Bill is passed as it is it might as well be thrown out, for all the good it will be to the people who are promoting it. The small vessels that go throught the channel will have ample room, with a hundred feet, to pass two at a time if they like. The largest vessel that comes into Montreal—of course we have not got the 10,000 ton vessels that you see in New York harbour, nor are they likely to have them in British Columbia for some time—are 60 feet wide. If the channel is 100 feet wide that is ample. I think the hon. member from New Westminister ought to be more anxious than I am to have this Bill passed, and if it is passed in its present shape, as I have said, you may just as well throw it out altogether. I think that the request made by the hon. member for Victoria is a very modest one. Although I have the greatest respect in the world for the reports of the committee as a rule, I would remind the House that this was passed at a very small meeting of the committee.

Hon. Mr. POWER—Not at all.

Hon. Mr. OGILVIE—Perhaps the hon. member from Halifax knows better than I do ; but I say he does not. It was a small meeting of the committee, and the majority in favour of the amendment was only one.

Hon. Mr. McINNES (B.C.)—The majority is stated correctly ; but there were twenty-one members present.

Hon. Mr. OGILVIE—I say twenty-one members is a small meeting. Our meetings have been attended by double that number this session. I think the House ought, in all fairness, to let the motion of the hon. member from Victoria pass, and we could then have an opportunity of discussing the matter. That will be only fair to the people who are interested in this undertaking ; but I can assure hon. gentlemen present that if the Bill is passed as amended you might just as well throw it out.

Hon. Mr. KAULBACH—The hon. gentleman speaks with a great deal of authority as to the result of passing the Bill in its present shape. I know something about that part of the country, and I think the undertaking would not be destroyed. If this matter had not been fully discussed in the committee ; if all that could be said on both sides had not been said, I might be disposed to favour a reconsideration of the report. I know my hon. friend opposed any amendment of the Bill, but in spite of his appeal after a full discussion the committee decided that the amendment which was proposed was right and proper to be made. As the hon. gentleman from New Westminster said, this is a new country, and its capabilities are as yet hardly known. Port Moody is capable of great development. I myself have been up there, and I saw one of the largest men-of-war high up the bay, miles above this point. I am interested in the place, and I should be sorry to see anything done to obstruct the channel. The hon. gentleman spoke about striking the top-masts of vessels ; I should like to ask if, in the interests of this bridge, large vessels should be compelled to strike their top-masts ? It is a movement that is attended with a great deal of expense and trouble. If that is the only reason that can be advanced in favour of the alteration, it is not reasonable that it should be done. Here is a company that you are going to create, and to whom you give a charter for all time. You should guard the public interests carefully. The rights of the public should be first considered in preference to the interests of the local company. My hon. friend from New Westminster has told us that there are vested interests to be considered, and that we should look carefully after the future of that country. I do not know the number of vessels going through the narrows, but it does not matter how many there are ; it is certain that any bridge that could be placed there would be an obstruction. I do not believe that a narrow channel is safer for vessels to navigate than a wide one. I never heard that statement made before, and I think my hon. friend went too far when he said it. In a place like the narrows, where I know there is a considerable current, occasionally a vessel may take a sheer, and in fact is much more likely to do so there than in smooth water, such as the hon. member for Quinte spoke of. The water is quiet in the Bay of Quinte, and the vessels that frequent that route are of small size. It is not so in Burrard Inlet. If this matter had not been fully discussed and decided in the committee, I should consent to the report going back, but since the subject was fully argued there, and the committee arrived at a careful conclusion that this amendment was a proper one, I cannot vote for the motion of my hon. friend from Victoria.

Hon. Mr. McCALLUM—Of course I desire to do what is right in this matter. As I understand this Bill before the House, the company did not say in the first place whether they were going to build a high bridge or a low bridge. I think it is the duty of the Senate to see that we do justice to the public at large for all time to come. If the company are going to build a high level bridge, I am sure that 150 feet is not too high. My hon. friend from Montreal says they have a new method lately of striking the top masts of vessels so that they can be lowered. That is news to me—we have had that for all time, as far as I know. I should not like to be a party to obstructing a navigable channel, so that vessels passing through it would be required to take down their top hamper. Then, with regard to the width of the swing, usually one hundred feet would do very well going against the current, but when you are going down the other way, and a vessel takes a sheer, what are you going to do ? The first thing you know she will strike the abutment and sink. I presume there are sailing vessels as well as steamers going through the Narrows of Burrard Inlet. Suppose a sailing vessel is being towed through, and she takes a sheer and strikes the abutment, it would cause a serious accident. I shall vote for the Bill as it came from the committee. I am anxious to promote improvements in any part of this Dominion, but I should be very sorry to be a party to obstructing any navigable channel for all time. It is all very well to say that there are only two or three vessels every year going through there now, but who can tell what the future will produce ? Who can tell what will be the traffic through that channel twenty years hence ? If you give these people this Bill they will have a vested right which would have to be paid for to remove the obstruction in the future. I therefore support the Bill as it came from the committee.

Hon. Mr. BOULTON—I was a member of the committee when this amendment was discussed. The ground that I took in the committee was this—that the Government are responsible for the protection of the navigation of the country, and it is not desirable to take it out of their hands.

Hon. Mr. McCALLUM—We do not take it out of the hands of the Government.

Hon. Mr. BOULTON—Yes; if the Senate decides what shall be the width and the height of the bridge, you are relieving the Government of a certain responsibility. The Government of the country has to deal with the whole question of navigation. The policy of building bridges across the St. Lawrence River, involved in the cases referred to by the hon. member from New Westminster, or putting restrictions on them when they are built, I consider is very different from the question that arises here. The St. Lawrence is the highway of the northern part of this continent, and it requires most careful consideration and complete knowledge as to what should be the future policy of the country with regard to anything that may obstruct that navigation. In the case of the bridging of the St. Lawrence I think this hon. House would be perfectly justified in interfering with private interests in any way it saw fit, but taking the navigation generally of the whole country, the Government is the best judge, and I am quite satisfied that no Government would do anything calculated to impede the present navigation or the future requirements of the navigation in any portion of this country. I am more particularly impressed with that idea because in my own district, where I live, is the River Assiniboine, which is assumed by the Government to be a navigable stream. Several years ago, when we wanted to build a bridge across the Assiniboine River, the Government said it is a navigable stream and we must put a swing there. We had to build a swing bridge at a cost of $15,000. At the present day the Assiniboine is not a navigable stream. I hope it will be some time, but that day is far distant. It would require great improvements to make it a navigable river. Therefore it is absurd, I think, to put the whole people living along the Assiniboine River to the cost of building swing bridges in view of the possible navigation of that river. The Government have for some time taken that view and are allowing ordinary traffic bridges to be built across it. These bridges cost from two to three thousand dollars, and the people can get across the stream by building structures at that cost when they would otherwise have to come to this House, which knows nothing about the navigation of the river, for legislation, or have to pay five times as much as is necessary for a bridge. Parliament might impose certain restrictions that would force them to build costly bridges. This Burrard Inlet, I believe, is a very fine piece of water, and some day may come into great fame in connection with the British navy or our own merchant service, which I hope will increase as years go by, but at the present time we have merely to deal with the local requirements of one or two sawmills at the head of navigation, fourteen or sixteen miles up from the ocean. Is it well to kill the Bill by requiring the company to make their bridge 150 feet high? You must recollect that the public who are interested in this work are those who want to have an electric railway there. If we pass the Bill as amended, it possibly may postpone or prevent altogether the construction of that railway, and it would be doing a wrong to the people who are interested in that work. For that reason, and for the reason that I do not think it is advisible for the Senate to relieve the Government of any responsibility in guarding the navigation of the whole country, I would prefer leaving the matter subject to the approval of the Governor in Council.

Hon. Mr. SCOTT—I do not agree with the hon. Senator from Shell River in holding that the Government are the guardians of the navigation of Canada in any sense. So far as the St. Lawrence is concerned, Parliament has practically interdicted the Government and said they cannot authorize the construction of a bridge across the St. Lawrence without the authority of Parliament. The power to authorize the construction of a bridge across the St. Lawrence is vested in Parliament, and not in the Government, and I do not suppose that any Government would desire to divest Parliament of that authority. The question in this instance is whether the span should be 150 feet or 100 feet. In considering that question I think the parallels that have been offered to the House are scarcely fair or equal. The idea expressed by the hon. member from Belleville, that it was similar to a bridge at the outlet of the Mur-

ray Canal, where vessels from the lakes pass, or that it is similar to a small river in the North-West, a placid stream that may never be navigated, though at some future day I hope it will, is not appropriate. In this case we are dealing with a great harbour on the Pacific coast, which has attracted not merely the attention of the people of Canada as an outlet for the Canadian Pacific Railway, but has for the last seventy-five years been regarded by the Imperial authorities as a safe harbour for the naval reserve on the Pacific coast, and I doubt very much, if we passed the Bill in its present shape, and the attention of the Imperial authorities were called to it, if the Bill would be allowed to become law. There were two reserves made at the instance of the Imperial Government before British Columbia became a province: the Imperial authorities still regard them as exceedingly important, and when the Canadian Pacific Railway was constructed under the authority of an Act of Parliament, its objective point was Port Moody, inside of where the contemplated bridge is to be built. Now, let me ask, if it had not been subsequently carried out, and a point nearer the ocean—Vancouver—been selected, would Parliament to-day have consented that a bridge with a span of 100 feet wide should be constructed at the Narrows?

Hon. Mr. BOULTON—There would be no bridge at all.

Hon. Mr. SCOTT—I doubt if they would have any bridge at all. Are the people of Port Moody entitled to no consideration from Parliament? You say so far as Vancouver is concerned, outside of that you must go under the water if you want to cross—you must tunnel. You shall not disturb or interfere with the navigation at the first Narrows, because Vancouver is an important point—we will not allow you to put a bridge there. East of Vancouver there is a large sheet of water—I am advised that one arm extends ten or twelve miles inland, and another from fifteen to sixteen miles. The Government of Canada have thought so well of this great inlet and of its value to the fleet that they have expended a large sum of money in building docks extending 1,500 feet in length. They have put down iron piers. Are you going to destroy this great harbour, which has been selected not only by the Government of Great Britain, but by the Government of Canada, as one of very great importance, after the expenditure of such a vast sum of money to make it safe for vessels from the Pacific Ocean—are you going to destroy this for the benefit of a company? I have always understood that those harbours were for the public and not for private corporations. If we pass this Bill, some day Parliament will be asked to compensate the owners of the bridge, because that bridge will have to be removed. We all know that the trade there is yet in its infancy. No man can tell what the outcome will be in the next twenty years, but we ourselves seem to have been impressed with the belief that Port Moody, and the protected harbour inside of Vancouver, is so important as to warrant us in spending this large sum of money upon it. I think Parliament should hesitate before interfering with the rights of a whole people. Have the people east of the Narrows no rights or privileges to be respected? Are their interests to be entirely ignored? Are they to be told, "It is quite true you have taken up property at this point, you have constructed piers and docks and built large sawmills, you are preparing to trade with people along the Pacific coast, but you have made a mistake. You should have had your rights defined by Parliament before you located there. Parliament will perhaps put a gate between you and the ocean." Who ever heard of a harbour being destroyed by being blocked in this way? Hon. gentlemen may smile, but it is a very hard thing to turn a proposition like this into ridicule. It is a pure question of expense whether this bridge shall be a hundred feet or a hundred and fifty feet in width. The mere addition of fifty feet does not involve a very large outlay. I simply leave it to the House to say which is the more important interest—the protection or continuation of one of the finest harbours on the Pacific coast, or the interests of a private company, who, for particular purposes of their own, are interested in narrowing this important approach to the most valuable harbour we have on the Pacific.

Hon. Mr. McMILLAN—I think the arguments of the hon. gentleman from Ottawa are very conclusive, but they are conclusive in one direction, and that is that we ought to leave the Bill just as it came from the House of Commons, and in the hands of the Governor in Council. One of the reasons why I voted against the amendment offered by the

hon. gentleman from New Westminster was that he did not appear to be very decided as to the number of feet required for the purpose of protecting the navigation of that channel. What he wanted in the first place was a hundred and seventy-five feet; then a hundred and seventy feet; then he was willing to come down to a hundred and fifty feet.

Hon. Mr. KAULBACH—That was a compromise.

Hon. Mr. McMILLAN—I looked upon it in this way: that he did not understand exactly what he wanted, and that he merely threw in this amendment to obstruct the Bill entirely and render it useless. That is the way it struck me.

Hon. Mr. McINNES (B.C.)—The hon. gentleman is out of order in attributing any such motives to me in moving the amendment in committee. The hon. gentleman has no reason to suppose that I moved the amendment for the purpose of obstructing the Bill. On the contrary, in that committee on more than one occasion, and on the floor of this House, I stated that I was as much in favour of the Bill as the hon. gentleman in charge of it, and I am yet; but I want a reasonable protection to the navigation in that part of the inlet.

Hon. Mr. McMILLAN—I did not attribute that to him; but I am speaking of the way it struck me, and I can look at his action as I see proper. I do not know anything about the Burrard Inlet. I am not interested in that any more than any other gentleman from the eastern provinces; but still, if fifty feet will save the navigation there I say give it by all means; but what evidence has this House that this extra fifty feet is necessary to make that navigation safe? We have no evidence of the kind. There has been no petition presented to this House opposing this charter. I suppose in this case, as in all other cases of charters, proper notice was given to the parties interested, and if so there would have been petitions in this House against granting the charter as introduced, if there was any objection to it on the Pacific coast.

Hon. Mr. McINNES (B.C.)—It is the duty of the representatives to look after the interests of the people.

Hon. Mr. McMILLAN—We have no evidence that any member had representations made to him to look after the interests of that part of the country. The Bill received great attention in the Committee on Railways in the other House, and, as has already been stated, was carefully watched by the Minister of Justice, and the result was that a clause was put into the Bill to this effect, that the rights of navigation should be protected. It was said that those words did not make it any stronger; that may be, but I must attach very great importance and value to these words, because they were suggested by the Minister of Justice. The hon. gentleman referred to the Coteau bridge. I can tell him where the Coteau bridge is: it crosses the St. Lawrence at a point where there is a current of probably 12 miles an hour at the head of the rapids. In that case the provision is that the width shall not be less than 80 feet. That is at the head of the rapids at Coteau, and yet a span of 80 feet is considered wide enough. I find, moreover, that on the Fraser River, at a place called the Mission, where there is a large traffic, the bridge has a swing of 100 feet, and is only 12 feet high, and the current I am told is very wild there. I would be in favour of leaving this entirely to the Governor in Council. If there is any force in the argument of the hon. gentleman from Ottawa it leads in that direction—to leave it to them—and they will see that the rights of navigation are not interfered with, and that the channel will not be obstructed in such a way as to render it dangerous for any class of shipping that may require to go up to that part of the inlet.

Hon. Mr. ALLAN—My hon. friend from Victoria, rather unexpectedly to me, proposed me as seconder of his resolution, and has, therefore, placed me in a somewhat awkward position. I had not the advantage of being at the meeting of the committee, and, therefore, did not hear the arguments *pro* and *con* with respect to the height of the bridge or the width of the swing. I take it for granted that so far as the height of the bridge is concerned, it would be impossible to make it the height proposed by the amendment, inasmuch as I am given to understand that although the bank is high on one side of the channel, on the other it is so low that in order to bring the bridge up to the level proposed it

would have to be extended back a very great distance, which would make it a very difficult and expensive work. With regard to the width of the swing, I do not think that some of the cases quoted were exactly in point. For instance, take the bridge referred to by the hon. gentleman from Quinte, who says that all the vessels going through the Murray Canal pass through the Quinte bridge. That is a very different matter from a bridge crossing a channel with a very strong tide, making the navigation more difficult. I was very much struck with the argument of the hon. gentleman from Ottawa, and it seems to me that if what he dwelt very strongly upon indeed—the great value which the Imperial and the Dominion Governments attach to the harbour of Vancouver, not only for purposes of trade, but as a place where the navy of the Empire may enter with safety, and what he said with respect to the naval reserve there, and so on, is to be considered, he has furnished the strongest argument why we should leave the clause as it stood originally in the Bill. That clause is very strongly worded, because, as quoted by my hon. friend opposite, this work on the bridge and tunnel shall not be commenced until the plans have been submitted to the Governor in Council, and have been approved by them. Nothing can be stronger, I think, than the language of the clause throughout in that respect, and it seems to me that this particular case is one which may more especially be left safely in the hands of the Government, who, no doubt, attach all the importance to the harbour of Vancouver that has been referred to by the hon. gentleman from Ottawa, and in their hands it will be really safer and much more certain that the swing will be of sufficient width, than if we defined and fixed a limit for it here. I am not at all clear myself whether 100 feet would be enough, and I am not clear whether 150 feet is more than is necessary. I have been once in Vancouver, but I do not know enough of the locality to form a proper judgment on this project; therefore, I for one would prefer to place the whole responsibility for the character of the bridge on the shoulders of the Government, and I think the power would be in the proper hands, where it will be wisely and discreetly used in the interests of the Dominion.

Hon. Mr. VIDAL—With the views the hon. gentleman has expressed I do not see why he should have any difficulty in referring this Bill back to the committee.

Hon. Mr. ALLAN—That is without special instructions. I mentioned that I was under the impression from what my hon. friend stated that that was what the motion was going to be—simply to refer the Bill back to the committee.

Hon. Mr. VIDAL—As one of those who voted for the amendment in the committee, I am at liberty, perhaps, to express my reasons for now favouring the Bill being referred back to that committee, mainly upon the ground which is already stated, that it was carried in committee by a majority of one. I think when a question is so nearly balanced in committee, any one concerned in the welfare of the Bill has good reason for bringing the matter before the Senate, and having it discussed here, possibly with the object of having it referred back to the committee to secure some friendly arrangement or agreement by which all difficulties may be removed. On that ground I should certainly favour the proposal that the Bill be referred back, and I should prefer it without instructions, leaving the committee perfectly free to discuss it as they please. I am very much impressed with the argument that has been brought forward, and very ably sustained, that the putting of this matter under the control of the Governor in Council with reference to the details, is sufficient protection for all the rights of navigation. I do not care who is in power, I contend that any Government in power, and having that responsibility upon them will not be guided solely by the report of an engineer employed by the company. Any Government will take care to have the most careful and the fullest enquiry as to the effect which the construction of the bridge will have upon the channel and the interests of navigation; consequently, I believe that before any plan would be adopted by the Government there would be ample opportunity given for the expression of any objection calling attention to the omission of anything required in the construction of the bridge. My opinion is that the Board of Trade of Victoria, which is well known to look after the interests of navigation, will have its eye upon that bridge.

Hon. Mr. McINNES (B.C.)—It is not under their jurisdiction at all.

Hon. Mr. VIDAL—I am not speaking of their jurisdiction. They are interested in the navigation of Canadian waters, especially those on the Pacific coast, and it does not require that it shall be the Board of Trade ; any individual can bring the matter before the Government. Any far-seeing man who believes that the interests of navigation are being jeopardized can lay his objections before the Government, and if his objections are worthy of consideration they will doubtless receive due attention. I believe there will be ample protection for the rights of the country and for the rights of navigation if the approval of the bridge is left with the Government. But the amendment of the hon. gentleman, if it were carried out, would prevent any change whatever from being made in the limits defined for the bridge. My own conviction is that if the bridge is a necessity, as I take it to be by the interest manifested in it by the members of both Houses, especially those from British Columbia, who have spoken to me on the subject, the Bill should be allowed to pass and that the interests of the public would be quite sufficiently guarded if it were passed in the terms in which it came to this chamber.

Hon. Mr. LOUGHEED—I feel naturally interested in any subject touching upon the interests of British Columbia as well as those of the Territories. Owing to my unavoidable absence I have not had the opportunity of attending the Railway Committee, of which I am a member, while this subject was under consideration, and I must say that I am strongly in favour of referring the report back to the committee, and on these grounds particularly : We are now disposing of a subject which is a peculiarly technical one, requiring an expert knowledge—we are, in fact, settling the details of a most important nautical undertaking. It must be obvious to every hon. gentleman present that to discuss this matter to advantage, and to discuss it intelligently, one must be familiar with the currents of this body of water, and with all the requirements of that particular location. Now, this, to my mind, must naturally come within the province of one versed in nautical and engineering matters, and I therefore have come to the conclusion that we cannot intelligibly discuss the details of so important an undertaking without further information. For these reasons, I am strongly in favour of sending the Bill back to the committee. The amendment of the hon. gentleman from New Westminster appears to me to be defeating the very object he has in view, inasmuch as he is limiting the particular measurements of this bridge. My hon. friend may contend that he is placing the minimum measurements on both the height and swing of the bridge, but it is quite evident from the construction of the Bill, if it passes in the shape in which it comes from the committee, that Parliament will be taken as having expressed itself as to what the proper measurements of this bridge shall be. It may be hereafter, judging from the remarks of the hon. gentleman from Ottawa, that the measurements submitted to this hon. House are not sufficient for the purpose of this particular undertaking, and it may be that when the Government sends out an expert to ascertain the details necessary for the purpose of giving its approval to the character of this bridge, it will be found necessary that the bridge shall be constructed to a greater height or that the swing shall be of greater width ; consequently, under the construction of this Bill, the Government cannot interefere with it, Parliament having taken the responsibility of saying what shall be the height and swing that should be adopted for it. I think, therefore, that the interests of the public are better safeguarded in leaving it to the Governor in Council, as expressed in the Bill as it comes from the House of Commons, viz. : giving to the Government the power of enforcing a greater height and greater swing if necessary. Moreover, there was not a full meeting of the committee, taking the number present at twenty, as stated by the hon. gentleman from Halifax ; the whole number of the committee is forty-one or forty-two. Therefore, there was only a minority of the committee present on that occasion, and as there was only a majority of one in favour of the amendment in the committee, it must become apparent that we are asked that the views of eleven members are to be taken as against the weight of the opinion of this House upon such an important undertaking as this. I think there should be a comparatively unanimous feeling in favour of such report in committee before it is adopted by the House.

Hon. Mr. KAULBACH—My hon. friend cannot support then the amendment to the amendment, because it would limit the height and swing of the bridge ?

Hon. Mr. LOUGHEED—I may say that I am strongly in favour of the Bill in the shape it came from the House of Commons. I think the public interests are strongly safeguarded in that way—more so than under the amendment.

Hon. Mr. MILLER—I think the hon. gentleman from Victoria should ask leave to have his motion amended in this way: that the report be referred back to the committee for further consideration.

Hon. Mr. MACDONALD (B.C.)—I am quite willing to omit the instructions to the committee.

Hon. Mr. MILLER—I would suggest that the hon. gentleman should move to refer the report back to the committee for further consideration, without instructions.

Hon. Mr. POWER—I should like to know whether it is in order to do that with a private Bill, without notice?

Hon Mr. VIDAL—I move in amendment to the amendment that the Bill be referred back to the committee without instructions.

Hon. Mr. POWER—I submit that no amendment can be moved to the report without pre vious notice, and the hon. gentleman from Victoria has no reason for not giving notice because the hon. gentleman himself fixed the time, a week in advance, when this report should be taken into consideration. My point of order is well taken; but I do not propose to insist upon it, because I think we are here a number of gentlemen all of sufficiently mature years to judge for ourselves, and we are not likely to be taken off our feet by the arguments we have listened to. I wish to say a few words with respect to the speech made by the hon. gentleman from Calgary. That hon. gentleman seems to think that the interests of navigation at the second narrows at Burrard Inlet, and the interior of Burrard Inlet, would be more properly safeguarded if we left them altogether in the hands of the Government, than if we tied the hands of the Government by this amendment, and the hon. gentleman took the ground that when we prescribed the width of 150 feet we practically stated to the Government that that is the maximum width which we require, and that the Government are relieved from all further concern in the matter. I think that that is not the way in which the Government would look at it, nor is it the way the House looks at it. We say that that is the minimum width. We say, "You may build a bridge there, but that bridge shall be at least 150 feet in width," and then we go on to say in the Bill that the Government shall make all such other regulations as to the width of the bridge, the height, and all the rest of it, as they think best in the interest of the public and of navigation; and the only object in putting in this provision as to the width of the swing is, that the Government shall not allow an opening of less width than 150 feet there. I think that is reason and common sense. The hon. gentleman from York has pointed out that the case of the Murray Canal bridge, referred to by the hon. gentleman from Quinte, is not at all a parallel case, and there is no necessity for me to refer to it. Something was said by the hon. gentleman behind me with respect to the necessity for expert evidence in this matter. We have on the committee, and in this House, a gentleman who, on a question of that sort, I take it, is as well qualified as any engineer who is likely to be called before us—the hon. gentleman from Monk—who understands the navigation of fresh water channels as well as any hon. gentleman in the country. What has been the course in the past in relation to such matters? The hon. gentleman from New Westminster cited to us six or seven cases where Parliament has undertaken to prescribe the width of drawbridges. It was not felt that these cases indicated any want of confidence in the Government. We should not try to shift to the shoulders of the Government the responsibility which rests on ourselves. It is our duty as members of Parliament to see that the interests of the navigation of this country are protected. We do that, and leave to the Government to settle the details. It is absurd to apply the argument that applies to bridges crossing canals and crossing the St. Lawrence to a channel that is navigated by sailing vessels of 2,000 tons, and by steamships of 4,000 or 5,000 tons, with rapid currents at full tide. There is no comparison at all; and to say that any width less than 150 feet, where there is a strong current, would be sufficient to make it safe for sea-going vessels to come through, is, I think, a proposition which no practical man will undertake to endorse. In the case of the St. Lawrence navigation, I have looked up two cases in which the width of the draw is fixed at 200 feet, and on the Detroit River there are two draws of 450 feet and two of 200. Some-

thing has been said about the members of the House of Commons ; we must bear ths in mind : that if we have one advantage over the members of the House of Commons it is this : that we are supposed to be able to look at things in a broader and more judicial way than members of the other House. A member for any given constituency is obliged in his own interests, and he cannot help it, and is not to be blamed for doing it, to look at matters through the spectacles of his own constituents. Where are the constituents interested in this scheme ? In the city of Vancouver, and not around this sheet of water ; and the member interested in that district will try and have the matter settled in the supposed interests of his own constituents. He is apt to be biassed ; but we do not look at it in that way. We have to think of the interests of that section of the country—not for to-day, not for Vancouver of to-day—but for the people who may reside there in the next fifty years. I hope that if that western part of Canada is to advance there will be a large population and very large commercial interests growing up above the second Narrows within the next few years. We are not tied down, as members of the House of Commons are, to consider the prejudices and jealousies of constituents. Something was said about Victoria. The probabilities are that the people of Victoria are anxious that that city shall remain the principal city and port of British Columbia. They do not wish to have a rival up at the head of Burrard Inlet. I do not think these are arguments which should influence this House. We have on many different occasions incorporated in Bills provisions exactly identical to this as a sort of instruction to the Government. You can understand that the Government are not on the spot themselves. They are not as familiar with this water stretch as they are with the St. Lawrence navigation ; and there have been such things as reports made by engineers, which reports were influenced by the bias of the engineers, and the Government might in this case act upon the report of an engineer, backed by the solicitation of the member who represents Vancouver, and who is anxious probably as the people of Vancouver are that this region above the Narrows should not be developed. I think we are safe if we get this safeguard : that there shall be reasonable room provided for a sea-going vessel going through that draw-bridge. We shall then have done our duty, and if the Goverment think, on inquiry, that the swing should be 250 feet in width, they should make that provision.

Hon. Mr. MILLER—I do not rise to discuss the merits of the amendment, because that has been done already very well, but I presume there will be a general desire to refer the Bill back to the committee after the expression that has taken place in the House, because we had not a very large meeting in the committee when the Bill was under discussion, and the majority for the amendment was only one. With regard to the motion of the hon. gentleman from Victoria, I think it is quite in order. The rule of the House is that no important amendment may be proposed to any private Bill in Committee of the Whole, or at the third reading of a Bill, unless one day's notice of the same shall have been given. We are not discussing this motion, or considering it in a Committee of the Whole ; we are not considering it on a motion for the third reading, and therefore I think the motion is in order. What is the object of the rule ? The object is to prevent surprise. Surprise cannot be complained of if the Bill is to be sent back to the committee with notice of what the committee is to consider when the Bill is taken up by it, and when that Bill has to come back here for approval on the report of the committee and subsequently on the third reading. However, I rise to suggest to my hon. friend that I think we would reach the object he has in view just as well, and perhaps meet the object that the other members of the House have also in view, by not restricting the reference with any instructions—simply referring it for further consideration. I presume the object would be best attained by the hon. gentleman amending his motion so as to refer the Bill back to committee generally for further consideration.

Hon. Mr. MACDONALD (B.C.)—With the consent of the House I leave the instructions out of my motion and move simply to refer the Bill back to the committee for further consideration.

Hon. Mr. CLEMOW—I attended the meeting of the committee the other day and I voted against the amendment proposed by the hon. gentleman from Vancouver upon the ground that I did not think that there was sufficient

evidence before the committee to come to any conclusion upon the matter at all. If the same discussion had taken place then as has taken place to-day I am satisfied that the amendment would never have carried.

Hon. Mr. McKAY—Speak for yourself.

Hon. Mr. CLEMOW—I am speaking for myself. I think, now that the discussion has been ample and full, we know more about it than we did before. The hon. gentleman cited several cases where the height and width of bridges were prescribed in the Act; but other bridges have been authorized without this provision — the Quebec bridge in October, 1887; the Brockville and New York in 1886; the Quebec Railway bridge in 1884; the Ontario and New York in 1891; the Buffalo and Ontario in 1891; the Short Line bridge in 1890—all these were left an open question with the Governor in Council, and I think, under the circumstances, that is the true and safe way of doing it. Supposing, for instance, it is found to be impossible that this draw be more than 100 feet? I do not believe there is a man in this House to-day, or probably in this city, that can tell you what would be required at that particular place; therefore I do not think it is judicious or right or in the interest of the project that the hands of the promoters should be tied in this manner. If the hon. gentleman thinks that the Government will not act fairly in the matter, I can understand the amendment, but if he adopts the argument of the hon. gentleman from Ottawa this Bill should not be passed at all, and the wisest course to pursue when it goes back to the committee, if that argument can be considered valid, will be to reject the Bill in *toto*. However, we have had the matter fully discussed to-day. We know a great deal more about it now than we did then. In the committee so little was said about it the other day that I could not understand what was the intention of the promoters. I asked a gentleman who promoted the Bill in the other House to come down and explain it, but he did not do so, and I do not think the committee knew what the promoters of the Bill required. That is my impression from what took place on the committee, and I was induced to vote against the amendment because I did not think it was prudent to adopt it under the circumstances. Had I known what I know to-day I would have voted against the amendment also, and I do not believe it would have carried at all in a full committee.

Hon. Mr. McINNES (B.C.)—I want to have the yeas and nays taken on the amendment. The more the question is discussed the more convinced am I that the Bill as amended by the committee is in a proper shape to become law. The hon. gentleman who has just taken his seat informed us that he was on that committee and that there was no person there to represent the Bill. Now his memory must be at fault. The solicitor of the company was there. He used all the arguments that he would use if it were sent back to the committee again. Every hon. gentleman is now seized of the facts.

Hon. Mr. CLEMOW—I mentioned the promoter of the Bill in the other House.

Hon. Mr. McINNES (B.C.)—The promoters of the Bill in the other House placed it in the hands of their solicitor. Their solicitor was before the committee; moreover, when the Bill came in the first place before the committee, my hon. friend from Victoria, when I proposed my amendment, asked to have it postponed to a future date. I consented to that, and the second time, when the Bill was called up before the committee, the solicitor of the company was present, and armed, I think, with all the arguments that he had used in the Railway Committee of the House of Commons. Now, I cannot see any earthly use in sending this Bill back to the committee. The House is in possession of all the facts, and I think it is just as well to dispose of it now. If the Bill, as reported from the committee, does not carry now, it certainly will not carry in the committee if it is sent back. I therefore insist on my amendment to the amendment being put.

Hon. Sir JOHN CALDWELL ABBOTT—I think that we should have our proceedings regular. The question, I understand, is the consideration of the report of the committee. That is the first question. If that report is adopted, then my hon. friend from New Westminster will find that his motion is perfectly unnecessary. The question is first on the report; then my hon. friend from Victoria may move his amendment to the report, that it be not adopted. The main question is the adoption of the report.

Hon. Mr. POWER—The motion of the hon. member from New Westminster is to adopt the report.

Hon. Sir JOHN CALDWELL ABBOTT—The motion of the hon. gentleman from Victoria ought to be put as an amendment to the motion to adopt the report.

The SPEAKER—There was an order of the House at our last meeting that this report be taken into consideration to-day. The Hon. Mr. Macdonald should have moved that the Order of the House be put into execution, but he moved that the report be not considered now, but that it be sent back to the committee.

Hon. Sir JOHN CALDWELL ABBOTT—Then his motion is the first one to be put.

The SPEAKER—Then there is no necessity for the amendment to the amendment.

Hon. Sir JOHN CALDWELL ABBOTT—Not at all.

Hon. Mr. POWER—I should like to have a ruling on that. The report was put down for consideration to-day. The hon. gentleman who had charge of the report was at liberty to do as he pleased with it; he might have moved to adopt it or to have it referred back.

Hon. Sir JOHN CALDWELL ABBOTT—No.

Hon Mr. POWER—Excuse me, but the report is the property of the House. When the Order was reached the hon. gentleman in charge of the Bill said, practically, I do not move the adoption of the report, but I move to refer it back. Is not that the proper course ?

Hon. Sir JOHN CALDWELL ABBOTT—Yes. The hon. gentleman misunderstood me. This report must have been brought up by the chairman of the committee. Then somebody must have moved the consideration of the adoption of the report for to-day.

Hon. Mr. POWER—The hon. gentleman from Victoria moved it.

Hon. Sir JOHN CALDWELL ABBOTT—Then the hon. gentleman from New Westminster will find his motion is out of order. If the vote is against the motion to refer back the report it is all right, but to make a substantive motion that the clause recommended by the committee be inserted in the Bill seems to be an irregularity.

Hon. Mr. MILLER—I think even if the motion of the hon. gentleman from New Westminster could be put, it would place his motion in a worse position than it would otherwise have been in, because there are several members who are opposed to the amendment but would like to have the report referred back, and would vote against his motion in order to get the reference back.

Hon. Mr. POWER—The hon. gentleman in charge of the Bill and of the report adopted the unusual course of moving against the report. Then the member who is in favour of the adoption of the report was obliged to move an amendment.

Hon. Mr. MILLER—The hon. gentleman will see at once that the object in view in the motion of the hon. member from New Westminster is involved in negativing the motion of the hon. gentleman from Victoria.

Hon. Mr. ALLAN—The hon. gentleman was not in charge of the report. It was brought in by the chairman.

Hon. Mr. MILLER—The trouble will be avoided by putting the motion of the hon. gentleman from Victoria first.

Hon. Mr. McCALLUM—If the motion of the hon. member from Victoria is defeated, the question will then be the adoption of the report.

Hon. Mr. POIRIER—Is not the motion of the hon. gentleman from Victoria out of order ? He proposes a negative before an affirmative is proposed. I think the regular course would be to move the adoption of the report, and then the amendment to refer back. There ought to be first a positive motion and then the negative. As to the motion of the hon. gentleman from New Westminster, it is just a negative of the other.

The SPEAKER—As I understand it, this report was to be taken into consideration to-day by order of the House. The hon. gentleman who has charge of the Bill moves to-day that the Order of the House should be amended in such a way that the report, instead of being taken into consideration, should be referred back to the committee. Now, I

understand that if his amendment was to be lost, of course the object looked for by the hon. member from New Westminster would be carried out, and if the amendment of the hon. member from Victoria is carried then the other is lost, so that there is no necessity, I believe, for the sub-amendment.

Hon. Mr. McINNES (B.C.)—Then I ask leave to withdraw my motion, and let the yeas and nays be taken whether the Bill shall be referred back or not.

The motion in amendment to the amendment was withdrawn.

The SPEAKER—The question now is on the motion to refer back the report.

The Senate divided on the motion, which was adopted by the following vote :—

CONTENTS :

Hon. Messrs.

Abbott (Sir John Caldwell),	Lougheed,
Allan,	McKindsey,
Almon,	McMillan,
Armand,	Macdonald (*Victoria*)
Bolduc,	Macdonald (*P.E.I.*),
Boulton,	MacInnes (*Burlington*),
Casgrain,	Miller,
Clemow,	Montgomery,
Cochrane,	Montplaisir,
DeBlois,	O'Donohoe,
Dobson,	Ogilvie,
Girard,	Read (*Quinté*),
Glasier,	Sutherland,
Guévremont,	Tassé,
	Vidal.—29.

NON-CONTENTS :

Hon. Messrs.

Bellerose,	Merner,
Chaffers,	Pelletier,
Dever,	Perley,
Flint,	Poirier,
Grant,	Power,
Kaulbach,	Prowse,
McCallum,	Reesor,
McDonald (*C.B.*),	Scott,
McInnes (*Victoria*),	Sullivan,
McKay,	Wark.—20.

MILITIA GRANTS IN THE NORTH-WEST BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (E) "An Act to make further provision respecting grants of land to members of the militia force on active service in the North-West."

(In the Committee.)

Hon. Sir JOHN CALDWELL ABBOTT said : The object of this Bill, as I explained on a former occasion, is to do justice to the men who have claims to land grants, but there is a little amendment which will be required in the twelfth line. The Bill provides that the time shall be extended for six months after the 1st of July next. Now it is just possible that the Bill may not become law until after the first of July, in which case, instead of giving six months it would really be an extension of eighteen months. As the object is to give six months of an extension, I move that the clause be amended by making it read July, 1892, instead of July next.

Hon. Mr. LOUGHEED—I would suggest the advisability of giving a longer term than six months. It will be three months at least before the statutes are printed and distributed and the law made known in the North-West. That would leave very little time for the selection. Another reason is that the Department of Justice is now considering a great number of claims which would come within this Bill, and there may be no settlement of those claims, no pronouncement by the Department of Justice, until shortly before the expiration of the six months.

Hon. Mr. KAULBACH—Will my hon. friend tell us the probable number of those claims for scrip ?

Hon. Sir JOHN CALDWELL ABBOTT—I am unable to state. The militia are entitled to land grants ; those of them who have not already claimed may or may not make claims. There cannot be a very great number. In reference to what the hon. member from Calgary states, it must be remembered that a considerable time had already been given before this extension.

Hon. Mr. LOUGHEED—What I wish to deal with particularly is the fact that a great many applications are before the Government for consideration, and I understand the Government have not pronounced definitely on them. Those claims may be rejected, but if they should be pronounced favourably upon, it will necessitate a further extension of time.

Hon. Sir JOHN CALDWELL ABBOTT—I imagine those who have laid claims for warrants have selected particular homesteads, and if their claims are allowed their choice of homesteads will be accepted. It is very inconvenient to have a large loose floating series of liens upon the lands which cannot

be defined, and it was only after very careful consideration that the Government determined that six months more would be ample for the purpose of making selections, inasmuch as they had already had over six months to make their choice.

Hon. Mr. LOUGHEED—But under the law a specified time was given for obtaining warrants. If the claims under consideration are not definitely decided on and the warrants are not issued, it will be impossible for the claimants to take advantage of this Act, and it would only necessitate the Government giving a further extension of time.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will see that this is the fourth extension of time granted to these people.

Hon. Mr. LOUGHEED—I would desire my hon. friend to understand that the delay is not on the part of those who are entitled to scrip, but largely on the part of the Government in issuing scrip to those who have made the claim.

Hon. Sir JOHN CALDWELL ABBOTT—But it is not the issuing of the scrip; it is the choice of homesteads which will be paid for by the scrip.

Hon. Mr. BOULTON—There are a number of applicants for these grants, and whether they are entitled to them or not has not yet been decided, and their applications are now before the Department of Justice. It is possible they will not be decided for two or three months yet, and that will only give these people three or four months in which to make good their titles to their homesteads. If they should be residing in some distant part of the Dominion it might narrow down the time considerably more. My hon. friend refers to such claims; they are before the department but not yet disposed of.

Hon. Mr. LOUGHEED—The section to which this Act refers is section 3 of the Act of 1886. I take it that the object is to compel the application of the warrants which have been issued, or are to be issued, before a certain date, so that the Department of the Interior may know what lands are taken by those applicants. If the warrants have not been issued it becomes self-evident that they cannot be applied, and until the consideration of those claims now before the Government it appears to be necessary that there should be such an extension of time as to provide for the disposition of the entire claims now before the department.

Hon. Sir JOHN CALDWELL ABBOTT—I think my hon. friend exaggerates very much the number of claims before the department.

Hon. Mr. LOUGHEED—I have not mentioned the number.

Hon. Sir JOHN CALDWELL ABBOTT—The hon. gentleman said a large number of claims. In point of fact, there are only a few claims; but I understand they can easily be disposed of, and as these postponements and delays have been continued for six years now the Government are not willing to make them longer than required. If there should be any isolated cases where, from no fault of the applicant, he failed to get his land or scrip, as the case may be, the Government will take good care that he shall not suffer loss; but to keep it open longer than six months is objectionable.

Hon. Mr. LOUGHEED—Provided the Government take care of such cases I am satisfied.

The motion was agreed to.

Hon. Mr. VIDAL, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time and passed.

MIDLAND RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (93) "An Act respecting the Mildand Railway of Canada." He said: This is a very simple Bill, merely extending the time for the completion of certain works undertaken by the Grand Trunk Railway Company.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 5.30 p.m.

THE SENATE.

Ottawa, Thursday, June 23rd, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE CIVIL SERVICE COMMISSION.

INQUIRY.

Hon. Mr. POWER—As there does not appear to be anything on the Orders of the Day, I should like to know if the Prime Minister has any objections to taking the House into his confidence upon a matter of some little moment—not a matter of urgent moment—but since we have not anything to do this afternoon I should be very glad to hear what the intentions of the Government are with respect to the matter. It will be remembered that not very long ago the Premier laid on the Table the report of the Civil Service Commission, a very voluminous document, containing a good many recommendations and containing, amongst other things, a draft Bill indicating certain changes which the Commissioners thought should be made in the present Civil Service law. Now, I do not propose to ask the Government whether their intention is to recommend that Bill to the consideration of Parliament, but whether it is their intention at the next session to take any steps towards an improvement of the existing Civil Service law, so that we might be in a position to think over the matter during the recess.

Hon. Sir JOHN CALDWELL ABBOTT—Up to this time the Government have only been able to give a very cursory examination to the report of the Civil Service Commission, and, moreover, there is a very large and voluminous collection of evidence which, from the glance that I have been able to take of it, appears to be of very great value as well as the report, but during the session of Parliament it has been quite impossible for the Government to give the matter such a study, such concentrated attention as would be necessary to form any opinion on it as to what should be done; but the best answer I can give my hon. friend is this: after the session it is intended to consider this report and the evidence, and to determine before next session what measure, if any, may be required to ameliorate the condition of the Civil Service.

Hon. Mr. POWER—I do not think I know very much more now than I did before.

Hon. Mr. MacINNES (Burlington)—As I have generally taken a great deal of interest in the Civil Service, I simply rise to say that I think at this stage of the session, when we are getting near the end of it, it would be very much like blowing at cold peat to endeavour to get any fire on a subject of that kind; so that I think it is just as well to wait until next session, until we can have time to thrash the subject out thoroughly.

Hon. Mr. POWER—The hon. gentleman may find that there are materials yet for a good fire before the end of the session.

Hon. Mr. MacINNES (Burlington)—Not on that subject.

Hon. Mr. POWER—No; I do not mean on that subject.

The Senate adjourned at 3.30 p.m.

THE SENATE.

Ottawa, Friday, June 24th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

MIDLAND RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (93) "An Act respecting the Midland Railway of Canada," without amendment, and moved that it be read the third time presently.

Hon. Mr. KAULBACH—It has not been usual to adopt the report of a committee in a case of this kind; but there is a question in my mind whether it is not necessary to have a report adopted in all cases before the third reading of a Bill.

Hon. Mr. VIDAL—It is never done.

Hon. Mr. KAULBACH—I know it is not when the Bill is reported without amendment.

Hon. Mr. MILLER—There is nothing to concur in when there is no amendment.

Hon. Mr. KAULBACH—I should think the report ought to be adopted before the third

reading of the Bill. I know it is not the practice.

The motion was agreed to, and the Bill was read the third time and passed.

BURRARD INLET TUNNEL AND BRIDGE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, to whom was referred back for further consideration Bill (65) "An Act to incorporate the Burrard Inlet Tunnel and Bridge Company," reported the same without amendment.

Hon. Mr. MACDONALD (B.C.)—I have been asked by a number of hon. members not to take the third reading of this Bill to-day, and I therefore move that it be read the third time on Tuesday next.

Hon. Mr. POWER—Will not the hon. member move that the report be taken into consideration ?

Hon. Mr. MACDONALD — No ; there has been no amendment.

Hon. Mr. POWER—But the Bill is not in the same form as when it was referred to the committee.

Hon. Mr. MILLER—This Bill is in the same position as the last one—it has been reported without amendment.

Hon. Mr. SCOTT—It has been amended by striking out the amendment made by the committee when it was first referred to them.

Hon. Mr. MILLER—What the committee has done has been to report the Bill without any amendment, and it now stands on the motion of the hon. member from Victoria, for third reading on Tuesday next.

Hon Mr. POWER—If the hon. member from New Westminster is satisfied, nobody will object.

Hon. Mr. McCALLUM—Some change has been made in the Bill since it was referred back to the committee. When it was last before us for adoption there was an amendment, and the report was referred back to the committee. If it is now reported without that amendment there must have been some change.

Hon. Mr. MACDONALD—It is not a change in the Bill. The amendment made in committee was not adopted in the House : therefore, it formed no part of the Bill, and the Bill is in the same form now as when it came to the House in the first place.

Hon. Mr. KAULBACH—I do not know about that. The Bill was reported to the House with an amendment to it.

Hon. Mr. MACDONALD (B.C.)—It was not carried, though.

Hon. Mr. KAULBACH—My opinion is that the amendment made by the committee should be done away with before the Bill can be reported without amendment. That amendment was not disposed of by the committee.

Hon. Sir JOHN CALDWELL ABBOTT—The record of the House is that the Bill has been reported back from the committee without any amendment.

The motion was agreed to, and the Bill was ordered for third reading on Tuesday next.

THE PRINTING OF PARLIAMENT.

SEVENTH REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. READ (Quinte), moved the adoption of the Seventh Report of the Joint Committee of both Houses on the Printing of Parliament.

The motion was agreed to, and the report was concurred in.

The Senate adjourned at 3.30 p.m.

THE SENATE.

Ottawa, Monday, June 27th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

There being no Order on the Paper, the Senate adjourned at 3.20 p.m.

THE SENATE.

Ottawa, Tuesday, June 28th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BURRARD INLET TUNNEL AND BRIDGE COMPANY'S BILL.

THIRD READING.

Hon. Mr. MACDONALD (B.C.) moved the third reading of Bill (60) "An Act to incorporate the Burrard Inlet Tunnel and Bridge Company." He said: I think the House thoroughly understands the position of this Bill at present. It came back some time ago from the Railway Committee with an amendment. It was referred back to the committee for reconsideration, and the committee returned the Bill without amendment, leaving it to the Governor in Council to say what the height of the bridge and the width of the draw should be.

Hon. Mr. McINNES (B.C.)—As the hon. gentleman who has charge of this Bill has very properly remarked, the subject has been pretty fully discussed, both in this House and in committee, and every member must have a pretty good knowledge of the purport of the Bill and of the amendment of which I have given notice. It is not necessary for me to make any further statement, and I merely move my amendment, which is as follows:—

That the Bill be not now read a third time, but that it be amended by adding the following words to the fourth clause, after the word "same," in the nineteenth line:

"Provided further, that portion of the said bridge which crosses the navigable part of the Second Narrows of Burrard Inlet shall either be at least one hundred and fifty feet in clear height above high water level, or shall contain a draw or swing span of at least one hundred and fifty feet clear opening."

The Senate divided on the amendment, which was adopted by the following vote:—

CONTENTS:

Hon. Messrs.

Armand,	McDonald *(C.B.)*,
Bellerose,	McInnes *(Victoria)*,
Casgrain,	McKay,
Chaffers,	McLaren,
DeBlois,	Macdonald *(P.E.I.)*,
Dever,	Perley,
Flint,	Poirier,
Grant,	Power,
Guévremont,	Prowse,
Kaulbach,	Reesor,
Landry,	Scott,
McCallum,	Sullivan,
McClelan,	Wark.—26.

NON-CONTENTS:

Hon. Messrs.

Abbott,	Macdonald *(Victoria)*,
Clemow,	MacInnes *(Burlington)*,
Cochrane,	Miller,
Dobson,	Montgomery,
Girard,	Murphy,
Lougheed,	Vidal.—13.
McMillan,	

Hon. Mr. SUTHERLAND—I rise to make an explanation. I did not vote on this question because I was requested by the Hon. Mr. Merner to pair with him, he being called home by sickness in his family.

The Bill was then read the third time and passed as amended.

BILLS INTRODUCED.

Bill (89) "An Act further to amend the Dominion Lands Act." (Sir John Caldwell Abbott.)

Bill (59) "An Act to incorporate the Ottawa Valley Railway Company." (Mr. McMillan, in the absence of Mr. Ogilvie.)

AN ADJOURNMENT.

MOTION.

Hon. Sir JOHN CALDWELL ABBOTT moved that when this House adjourns to-day it stand adjourned until Thursday at 3 p.m.

The motion was agreed to.

The Senate adjourned at 3.40 p.m.

THE SENATE.

Ottawa, Thursday, June 30th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

RESIGNATION OF MR. WATSON.

Hon. Mr. BOULTON—Before the Orders of

INQUIRY.

the Day are called, I rise to inquire of the hon. leader of the House if the resignation of Mr. Watson, member for Marquette, has been received, and if a writ has been issued for

a new election. I ask the question because I gave notice that I would offer myself for the constituency when I had learned that the resignation of Mr. Watson was in, and I have, therefore, postponed taking my departure from this House until regularly informed of that fact. It is a long way from here, and the constituency is a very large one—220 miles long by 100 broad, with a very scattered population; therefore, if I should carry out my present intention of offering myself for that constituency, I hope sufficient time will be given to let the people there know the grounds upon which the election is being run. It will require thirty or forty days to get around a constituency of such a size, where it has all to be done by carriages.

Hon. Sir JOHN CALDWELL ABBOTT—As far as I have been informed, there has been no resignation yet from Mr. Watson, but it may have come yesterday, or the day before. It would be addressed to the Speaker, and not to the Government. Of course, the notice of resignation not having been received, the writ has not been issued, but the writ will be issued immediately after the resignation, I presume, and care will be taken to allow ample time for canvassing the constituency.

PATENT ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

The Order of the Day being called, "Consideration of amendments made by the House of Commons to Bill (L) 'An Act to amend the Patent Act and Acts amending the same.'"

Hon. Sir JOHN CALDWELL ABBOTT said: These amendments have for their main object the granting to foreigners of some of the privileges which by this Bill were granted to citizens. When the Bill was before this House, the question was raised and it was argued that it should be retained in the form in which it was introduced, but that has not been the opinion of the House of Commons, it appears, and the Bill has been amended in that respect. The other amendments are trifling. I move that the amendments be concurred in.

Hon. Mr. POWER—I have just been looking at the amendments but have not examined them carefully. It occurs to me that it might be, on the whole, as well to go through them one by one. In some cases the amendments leave out a little too much.

Hon. Sir JOHN CALDWELL ABBOTT—Then I move concurrence in the amendments to the 8th clause.

Hon. Mr. POWER—I am glad to see that the House of Commons have taken the same view of the matter that I took in this House and do not limit the privilege to the citizens of Canada.

The motion was agreed to.

Hon. Sir JOHN CALDWELL ABBOTT moved that the amendment to section 3 be concurred in. He said: This section as it stood repealed the law which compelled a man to make an election of domicile. It was reported that this was unnecessary, useless and never observed. Notwithstanding these three objections the Commons have replaced it.

The motion was agreed to.

Hon. Sir JOHN CALDWELL ABBOTT moved that the amendment to section 5 be concurred in. He said: The amendment adds to the provision which this House made, a proviso that would enable an application for a patent to be withdrawn provided the consent in writing of each and every assignee has been previously obtained.

The motion was agreed to.

Hon. Sir JOHN CALDWELL ABBOTT—The next amendment does away with the appeal of the Act as it stood, of sub-section (b) of section 43. The words "when the petition is withdrawn" in the clause of the Act are replaced.

The amendment was concurred in.

Hon. Sir JOHN CALDWELL ABBOTT—There is an amendment to section 7, comprising the substitute for section 37 of the Act. The language of the Act as it stood was "has or has not become null or void or voidable under the provisions of this section." The words "null or void" have been struck out as unnecessary.

The amendment was concurred in.

Hon. Sir JOHN CALDWELL ABBOTT—The last amendment is the addition of section 10, which provides that this Act shall only apply to patents issued after it passes.

The amendment was concurred in.

Hon. Sir JOHN CALDWELL ABBOTT—The next amendment is in the title of the Bill. The title was "An Act to amend the Patent Act and Acts amending the same," which, I think, was a very good title, but it is altered to "An Act further amending the Patent Act."

Hon. Mr. POWER—The Commons appear to be fonder of mere verbal amendments than we are.

The amendment was concurred in.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (89) "An Act further to amend the Dominion Lands Act." He said: This is a Bill to amend the Dominion Lands Act in one or two important particulars, and in others which are mere procedure. The first amendment substituting a new clause for clause 21 of the Dominion Lands Act has for its object to subject the lands belonging to the Government in British Columbia to the same rule with regard to laying out townships, and so on, as applies to other lands in the North-West Territories belonging to the Government. The third clause renders it unnecessary for a homesteader who has got a homestead, and takes up a second homestead or pre-emption right, from building a second house on that homestead, which under the law as it stands he would be obliged to do.

Hon. Mr. PERLEY—Does it exempt him from residence also?

Hon. Sir JOHN CALDWELL ABBOTT—If he is living on the adjoining lot he is not obliged to have residence on the second pre-emption. The 43rd clause extends the time in which a homesteader, who has lost his right to a second homestead, to a time equal to that which any other homesteader has, or which such homesteader would have had if the restricting Act of 1885 had not been passed. It restores to him the inchoate right which he had when the Act was repealed, and grants him a corresponding period now within which to make his selection.

Hon. Mr. McINNES (B.C.)—What is the length of that time now?

Hon. Sir JOHN CALDWELL ABBOTT—Two years.

Hon. Mr. PERLEY—Does it apply to all homestead entries?

Hon. Sir JOHN CALDWELL ABBOTT—No; it applies to homestead entries which were made under the law which permitted the taking up of the second homestead. The amending Act provided a shorter period of time, whereas by the law which existed at the time that Act was passed the time in which the homesteader was entitled to take up the second homestead was two years. It is a matter that was discussed at great length in the other House, and I believe it meets the views of all the North-West representatives. When the Bill goes into committee we shall discuss the details of it, and any explanation the House requires I shall be happy to give in the committee.

The motion was agreed to, and the Bill was read the second time.

OTTAWA VALLEY RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. OGILVIE moved the second reading of Bill (59) "An Act to incorporate the Ottawa Valley Railway Company." He said: I do not think that this Bill requires much explanation, and I could not say much about it if it did. It relates to a short line of railway from Lachute to Grenville that had been taken into the Great Northern Railway that they proposed to build from Quebec to the west; but that company wish to get rid of it, and a charter for this short line is desired. I think the line is only six or eight miles long altogether.

Hon. Mr. POWER—I am glad the hon. gentleman said he did not know much about this Bill, and I hope he will keep a keen eye on it when it goes into committee, because I see the first named corporator is a gentleman that we had before us last session.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 3.45 p.m.

THE SENATE.

Ottawa, Monday July 4th, 1892.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE OLD FORT AT ANNAPOLIS.

INQUIRY.

Hon. Mr. ALMON—Before the Orders of the Day are called, I desire to ask the Premier if he can give the answer that he promised about the proposed sale of the lands at the Old Fort at Annapolis.

Hon. Sir JOHN CALDWELL ABBOTT—I have great pleasure in assuring my hon. friend that the Minister has not even considered the question of disposing of any of the property at Annapolis, and has no idea of taking any such step.

THIRD READING.

Bill (59) "An Act to incorporate the Ottawa Valley Railway Company." (Mr. Ogilvie).

MORNING SITTINGS.

MOTION.

Hon. Sir JOHN CALDWELL ABBOTT—With a view to expediting the business, I propose to move that the House meet every day at eleven o'clock in the morning, and that there be two sessions of the House daily until prorogation. I move that when this House adjourns to-day it do stand adjourned until eleven o'clock to-morrow, and that every day during which the House continues to sit there shall be two sessions of the House, the first commencing at eleven o'clock and continuing until one, and the second commencing at three o'clock in the afternoon.

The motion was agreed to.

DOMINION LANDS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (89) "An Act further to amend the Dominion Lands Act."

(In the Committee.)

On the 1st clause,

Hon. Mr. POWER—The Premier might explain the exact object of the change made here. Hon. gentlemen will remember that the difficulty which culminated in the outbreak of 1885 arose largely from the manner in which some of the lots were laid out by the surveyors, and as this amendment deals with that question, it might be well if we should be quite clear that we are not proposing to do a thing that would lead to a difficulty of a similar kind.

Hon. Sir JOHN CALDWELL ABBOTT—No, it is not the intention to do anything that would in any respect be inconvenient or unpleasant to the settlers. Section 17 of the Dominion Lands Act requires lands to be laid out in blocks of four townships each, and that has been found impracticable and has fallen into disuse. In point of fact, it has not been constantly in force lately, and it is of no use; it is only a blot on the Statute-book and it is proposed to repeal it.

The clause was adopted.

On the 5th clause,

Hon. Mr. POWER—As a rule, where the Governors in Council are authorized to make Orders in Council, such as those referred to in this clause, there is no provision that the Orders in Council should be laid before Parliament at its next session within a certain number of days after the beginning of the session. I think this is a case where the rule should apply. There is no provision of the kind in this clause.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will perceive that that is a rule which is adopted when the Order in Council has practically the effect of legislation. This clause merely authorizes the making of rules and regulations for the working of mines in the Rocky Mountains Park. It is a comparatively local affair and hardly requires the formality of being laid before the House. The Orders in Council are practically laid before the House; they are printed along with the Statutes, but this is really so small a local affair that if this Order in Council is to be dealt with in that way, every similar Order should likewise be placed before the House. There is really no substantial objection to doing so, no reason one way or the other.

Hon. Mr. POWER—It is not important; but if my recollection is not at fault we inserted a provision of that sort in the clause authorizing the Governor in Council to make general regulations with respect to mines.

Hon. Sir JOHN CALDWELL ABBOTT—If my hon. friend can verify that, I have no

objection to this coming under the general rule.

Hon. Mr. POWER—I am almost certain that it is the case. There is this to be said about the Rocky Mountains Park, that while the territory is not very large it is said to be exceedingly rich in minerals, and the Government should, in order to prevent any suspicion of favouritism, lay the Orders in Council before Parliament.

Hon. Sir JOHN CALDWELL ABBOTT—I shall have great pleasure in putting over the third reading of the Bill for a day or two in order to verify the fact whether the rules and regulations with respect to the Rocky Mountains Park are required to be laid before the House.

Hon. Mr. POWER—I did not refer to the Rocky Mountains Park merely.

Hon. Sir JOHN CALDWELL ABBOTT—But this refers only to the Rocky Mountains Park.

Hon. Mr. POWER—If the Premier will say that he will lay the Orders in Council before the House next session, I have no objection.

Hon. Sir JOHN CALDWELL ABBOTT—No; I do not care to make any exception in this case. I only propose to do in this instance what has been done in others.

Hon. Mr. POWER—The third reading might be allowed to stand until to-morrow.

The clause was adopted.

On the 6th clause.

Hon. Mr. LOUGHEED—I would point out, with reference to this clause, that absolute power appears to be given to the Lieutenant Governor of the North-West Territories to close up any road that has been transferred to the Territories, or vary its direction, whereas the power now lies with the Governor in Council. I think that that power should still remain with the Governor in Council, and that such absolute power should not be vested in the Lieutenant Governor.

Hon. Sir JOHN CALDWELL ABBOTT—There have been representations made that under the present law the closing up of those roads is a cumbrous process, and that the Local Legislature is much more competent to deal with such matters, and it is only after full representations of that description that we have determined to transfer the power to the Lieutenant Governor.

Hon. Mr. BOULTON—Do I understand that the public highways may be closed up and other roads substituted under the provisions of this Act?

Hon. Sir JOHN CALDWELL ABBOTT—No; the present law is that on proper representations and survey and report a line of road found to be inconvenient may be changed and another opened in place of it. When that change takes place the unused road is necessarily closed, and the Government takes control of the land vacated as a road. I think it is obvious that the Local Government are better qualified to deal with a purely local subject like that than the Governor in Council.

Hon. Mr. LOUGHEED—But you give absolute power here to the Lieutenant Governor, which power may clash with the interests dealt with by this Government. Take, for instance, the case of lands being sold to a purchaser in the North-West Territories. You give power to the Lieutenant Governor to expropriate trails through such lands without even providing for compensation to the owner. For instance, one case has come under my own observation in which a considerable amount has been paid for land, and that land has been expropriated without any attempt to compensate the owner for the loss he has sustained. Where an arbitrary power of that kind is vested in the Lieutenant Governor, power should be given to the Governor in Council to stop any injustice that may be done to the public thereby. There is no provision made here for the reversion of these trails which have been closed up to the Government, although power is given to the Governor in Council to deal with them as they see fit. I think some provision should be made for the reversion of these lands to the Governor in Council. From what I am informed by the Department of the Interior, they find great inconvenience has arisen from transferring these trails to the Lieutenant Governor. If it is the experience of the Department of the Interior that such is the case this will not be an improvement on it.

Hon. Sir JOHN CALDWELL ABBOTT—I may inform my hon. friend that the Bill originated with the Department of the

Interior, and this amendment of the law is suggested to the Council by the Department of the Interior, so that in this particular respect I do not imagine it possible that the department can be complaining of power vested in the Lieutenant Governor and Assembly. My hon. friend will notice that everything that the Lieutenant Governor and Assembly do is subject to the revision of the Council here.

Hon. Mr. LOUGHEED—I am not aware of that from my reading of the clause.

Hon. Sir JOHN CALDWELL ABBOTT—They can only act by ordinances, and these ordinances are subject to veto by the Governor in Council here. It is proposed that they shall regulate their power of closing old or establishing new highways by means of ordinances, and these ordinances will come under the purview of the Governor in Council here, and if the Lieutenant Governor and Council contemplate any injustice it will, no doubt, be brought to the notice of the Government and dealt with here.

Hon. Mr. LOUGHEED—You give absolute power, by this clause, to the Lieutenant Governor, and you only limit the veto right, as I may term it, in the Federal Government, to specific matters ; and if my recollecion of the powers given to the Lieutenant Governor in Council is correct, this would not place the veto right as to this question in the Federal Government.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will see that the Act itself refutes his view. The clause says, "The Lieutenant Governor of the North-West Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction ; and may, subject to the ordinances made in respect thereof, open and establish any new highway in the stead of such road." Then, of course, before they can do it there must be an ordinance passed in respect thereof, and that ordinance may come within the purview of the Governor in Council, so that the supervision of the Governor in Council is always maintained. Then, with regard to the vesting of the land in the Governor in Council, the existing law provides for that. As the law stands we close roads and take possession of the land and dispose of it. The law is not changed. There is nothing which can be done under this clause which does not necessarily come under the purview of the Governor in Council, and besides I would call attention to this fact, that this is a kind of work that is purely local. It is placed under the control, to a large extent, of the Local Assembly ; and it cannot be possible that the Local Legislature is not competent to decide where local roads should be. It is not to be supposed that the members of the Assembly will so far neglect their duties or abuse their power as to close up roads that are needed, or establish roads that are not needed. If the members of the Assembly do anything of that sort in violation of the rights of the people, the people themselves have the control, and can turn them out on the first seasonable occasion. The people there have the same control over their representatives in the North-West Assembly that the people here have over us. I think it is much better that these matters should be placed under the control of a body which lives on the spot. A number of the members must necessarily know personally something about the matters in dispute.

Hon. Mr. PERLEY—I beg to differ from my hon. colleague in his views on this subject. I find that in the section where I live this clause would be very desirable. For instance, in building a road out of the Qu'Appelle valley, which is some 250 feet below the level of the prairie, we cannot get out of that ravine on the regular road allowance, and we have already had to exchange the road allowance for right of way over private land. This clause is carrying out the principle that the people of the country know best about these matters, and in that particular I feel in duty bound to support the clause.

Hon. Mr. POWER—I agree with my hon. friend that the Local Assembly is the best authority to deal with this matter, but I wish to direct the attention of the hon. Premier to the last three lines of the clause, which read as follows : "And the land in any road allowance, public travelled road, or trail so closed may be dealt with as the Council sees fit." That is the Governor in Council here at Ottawa. You see there while you allow the local authorities to change the route of the road the disposition of the disused road is left in the hands of the authorities at Ottawa, which I think is not desirable. The better way is to have the

whole matter disposed of at once, so that there shall not be two proceedings necessary to settle the question. Take this case which possibly will be a very unusual one: a rod is laid out through lands which have been granted by the Governor in Council. The local authorities satisfy themselves that the road is not laid out in the most advantageous place. They alter the route of the road, and then the Governor in Council may give the old road to whom they please, and a very serious injustice might be worked in this way. I think that the disused road, where it runs through granted land, should go to the owner of the land. That seems only right and fair, and it is not at all unlikely that the new road will run through the land of the same owner, and he ought to get the site of the old road as a compensation for the land taken away from him.

Hon. Sir JOHN CALDWELL ABBOTT—The hon. gentleman must allow the Government to have some judgment in these matters. In the North-West, up to the present time, the roads have been vested in the Dominion as a matter of course, because they form part of the public domain. The Governor in Council has power to deal with the land included in those roads as they think fit, either to grant it to the party through whose lands it runs, where it is the proper thing to do, or to retain the land and sell it as part of the Crown domain. There must be a certain amount of discretion exercised in these matters, because there are a great many stages between the land being a part of the Crown domain and becoming the absolute property of the holder. The Government must have an opportunity of determining upon the mode of dealing with the land with some regard to the position of the title. If it is vested actually in an individual, the land is given back to the individual. If it is not vested actually, but there is an inchoate right, the Government will regard that right. If, on the other hand, it is part of the Crown domain, the Government will sell it for the benefit of the Crown. That, I think, is only a rational and reasonable discretion to give to the Governor in Council, for whose action mathematical rules on every imaginable and incidental matter cannot be absolutely laid down.

Hon. Mr. LOUGHEED—My contention is that the clause is not framed to deal as is desirable with disused trails. Under the law the trails when used are vested in the Lieutenant Governor in Council for the use of the Territories, consequently, those lands remain vested for that purpose. This clause only gives power to the Governor in Council to deal with the disused trails. I think that under this clause the Governor in Council cannot convey to a third party the lands in question, owing to the peculiar state of the law at the present time. Consequently, I say that under this clause the land does not revert to the Governor in Council, but remains vested in the Lieutenant Governor in Council for the use of the Territories, and the power to deal with such trails is limited to the dealing as distinguished from the alienating of same by the Governor in Council. I do not desire to have it understood that I object to the Lieutenant Governor and the Assembly dealing with the question of trails. I think that they are a most competent body to deal with trails, and determine where they should be; but my contention is that, inasmuch as the Dominion Government administers the lands in the North-West Territories, except they have the right of supervising what may be done by the Lieutenant Governor in Council with those same lands, complications will ensue from the expropriation of trails over Dominion and other lands by reason of this Government dealing with those lands, and the Lieutenant Governor at the same time having exclusive right to deal with trails over same.

Hon. Mr. REESOR—Why not allow the Act to be shaped just as it applies to Ontario, where the municipalities control such matters? The municipalities have full control of road allowances where they are not required for the public use. No injury has arisen out of that, and it is a matter of very great convenience. In many of the older municipalities of Ontario there are road allowances that cannot be used.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will see that while the principle which he advocates would work admirably in a country which is divided up into municipalities it would not work at all where nine-tenths or more of the country is not within the limits of a municipality at all. The Government has all the control and management of them, and more than a municipality would have if it were a municipality. If the country were divided up in

the way that Ontario is I should be delighted to bring before this House a Bill vesting the entire managenment of these roads in those municipalities. But it is because the Government stands in the position of a local proprietor, as well as the Government of the Dominion, that we are obliged to reserve to it rights which we would otherwise be glad to give to the municipalities.

Hon. Mr. POWER—I do not think the Premier quite apprehended the point which I tried to make. This is the case which I wish to put: Suppose a settler in the North-West has a tract of land through which there is a public highway; under the authority of this clause, when it becomes law, the Lieutenant Governor and Assembly may decide to change the route of the road. That leaves the roadway in the middle of this property. The Premier must see that it would be extremely unfair that that land should be granted to any other person than the owner of the land on both sides.

Hon. Sir JOHN CALDWELL ABBOTT—I just explained to the hon. gentleman my view. He has not seized the point exactly. The law says that the Governor in Council shall deal with the land—it leaves the Governor in Council the right to judge the proper way to deal with it. No one would imagine that the Government would take the land which naturally appertains to the farm which a man has bought and paid for, and sell it to another party. We must assume that the Government will deal with the land which it has statutory authority to deal with, in a reasonable and sensible manner. If it is in the midst of another man's property the reasonable manner would be to give it to him, and if it be not within any man's property, the Government will have the right to deal with it for the purposes of getting what they could out of it for the public benefit. The difference between us consists in this: perhaps my hon. friend thinks the Government would not do what is fair, and I think they would. That is the main question.

Hon. Mr. POWER—I think I always show a reasonable amount of confidence in the Government.

Hon. Sir JOHN CALDWELL ABBOTT—Say moderate.

Hon. Mr. POWER—I wish to put this point to the Government: I think the House recognizes the propriety of leaving the matter of opening up a new road with the Lieutenant Governor and the Assembly—the local authority. Now why should not the disposition of disused roads be left with the same authority? The Premier will see that it is a serious matter for a settler to communicate with the Governor in Council here in Ottawa as to his acquiring a disused road. The Lieutenant Governor and Assembly when dealing with one matter might as well deal with the other.

Hon. Sir JOHN CALDWELL ABBOTT—The land, in nine cases out of ten, in the disused trail, will be the property of the Dominion Government. How can the Dominion Government denude itself of the lands which are the assets of the Dominion and hand them over to a Local Government to be dealt with as they think proper? That is the difficulty. The land is the land of the Dominion; the Government would have no power to hand it over to a Local Government to dispose of, and it is for the reason that the greater part of these lands will belong to the Dominion that the Dominion reserves to itself the right to deal with those lands. If it were the other way probably my hon. friend's plan would be the best—if there was only a small portion of the lands belonging to the Dominion Government, they might dispose of them as he suggests, but I think, under the circumstances, where perhaps nineteen-twentieths of the lands are vested in the Dominion for Dominion purposes, it is only just and right that the Dominion should retain the control of them.

The clause was adopted.

Hon. Mr. VIDAL, from the committee, reported the Bill without amendment.

BILLS INTRODUCED.

Bill (98) "An Act respecting the Harbour Commissioners of Three Rivers." (Sir John Caldwell Abbott).

Bill (67) "An Act respecting the voters' lists of 1891." (Sir John Caldwell Abbott).

Bill (76) "An Act to re-adjust the representation of the House of Commons." (Sir John Caldwell Abbott).

CRIMINAL LAW AMENDMENT BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (7) "An Act respecting the Criminal Law."

Hon. Sir JOHN CALDWELL ABBOTT moved that the Bill be read the first time.

The motion was agreed to.

Hon. Sir JOHN CALDWELL ABBOTT moved that the Bill be read the second time to-morrow.

Hon. Mr. BELLEROSE—Hon. gentlemen will admit that the minority of the Senate has not troubled the House much in asking for French editions of Bills presented for discussion, or reports submitted to the House, but in this instance the minority would not fulfil their duty if they did not ask that such an important measure, one which may take away the liberty of the subject, should be translated before it comes up for consideration. I am pretty well posted in English and it would seem as if I ought not to complain, but I admit frankly that I generally look at those important measures in both languages to be sure that I understand them, because, though I have a little practice in English, I do not see the importance and force of a word of which I have not as clear an idea as an English scholar would have. In a measure of such importance as this Bill, it seems to me that we cannot concur in the second reading until we have the French edition before us. It may be answered that there was a French translation of the original Bill, but hon. gentlemen know that the measure has been greatly changed by the sub-committee to which it was referred, so that even if those amendments were printed separately in another language we could not be sure of what the Bill is except we had a French version which we could read over and study clause by clause. I am sure that there are parts of the Bill that ought to be considered carefully. It is only about a quarter of an hour since the English edition was put before the House. I happened to open the Bill at a page where provision is made for the fees of justices of the peace. On that page I find that magistrates are allowed fifty cents for preparing an information, or summons or warrant. Now I believe there is not a single gentleman in this House who is a justice of the peace who would be ready to sit down and prepare an information according to the law for fifty cents. In the Superior Court, and even in the Court of Appeal, there are printed forms and the informations are drawn out in a certain way, but the justice of the peace is not provided for in that way. If it is under one statute he must make it out in such a way, and the description of the offence must be given in a certain way. One law requires that if the information is made out by a justice of the peace having jurisdiction in the district, it shall be so stated; another statute requires that if it shall be a justice of the peace residing in the municipality, the information must state so. Another statute requires it another way, so that the magistrate has to look into a thousand details of different laws of the country, and a magistrate requires to be conversant with the law. I know I would not do any such work for the fee that is mentioned here. I have done it until to-day gratuitously, but if I am to be paid for such work I do not consider fifty cents enough. I will either get what the work is worth or I will do it gratuitously. I mention this as an illustration of some of the objections to the Bill. There are many passages of the Bill which should be considered very carefully, and as every French member of the House feels his responsibility, I believe the leader should consider whether we should not have a French edition before we proceed further. Perhaps it would have been more regular to have waited until the second reading of the Bill before making this objection, but I think at this stage of the session it would not be fair to do so. I make the objection now, hoping that the hon. leader of the House will see that a French translation is ready either for to-morrow or the day after, so that we may have a few hours to look it over and see if we, who are in the minority, have any objections to it. I have received a few letters from men well posted in the laws of the Province of Quebec—a few from Montreal. Those letters inform me that we should be careful to see that this Bill does not interfere with the civil rights which, by the constitutional law, are reserved to the province. I believe the committee has endeavoured to meet those objections, but I do not know whether there is not something more to be done. I have every confidence in the members of the committee, who are first-class men and good lawyers, and no doubt the Bill has been made right so far as they

could do so, but each of us has his own responsiblity, and though we are not all lawyers we are all competent to judge, with respect to some parts of this Bill, whether they are in the public interest or not. For those considerations I hope the hon. the leader of the Government will have a French version prepared before the second reading.

Hon. Mr. SCOTT—This Bill comes to us in a very unusual shape. It evidently has not passed through the hands of the proper officials in the House of Commons because it is in ordinary Bill shape, as if it were introduced in this House for the first time, and it is evidently not prepared for this House by those officials whose duty it is to bring up Bills of this kind from the Commons. It is quite true that it is signed by Mr. Bourinot, but it is not in the ordinary form in which such Bills come up before the House, and as a matter of fact I believe it has not gone through the ordinary channel. If I am correctly informed this Bill was prepared for this chamber not by the officers of the House of Commons, whose duty it is to prepare Bills for this branch of Parliament, but by the Department of Justice, which had special charge of the Bill, and however careful they may have been in that department to preserve those amendments and changes which have been made in the House of Commons I think in an important matter of this kind we ought to be exceedingly cautious about accepting as a Bill from the House of Commons a paper such as this is, which does not bear on its face the impress of having gone through the regular channel.

Hon. Mr. MILLER—What does the hon. gentleman mean ?

Hon. Mr. SCOTT—I mean that the Bill is not in the ordinary shape in which such Bills come up from the House of Commons. A Bill of this importance must be considered very carefully, and in considering it under any circumstances these material changes in the law ought to be printed in italics or in such a form or shape that our attention would be directed to them. for it is impossible for us to say, from the Bill as it is before us, what has or what has not been the law. For instance, part of it professes to be based on the criminal law of Canada as it exists, and quotes a particular section of the law—gives you the chapter and section. At least on one occasion, and more than one, I turned up the original Act and found that they did not conform. It does not seem to me to be quite the proper thing that Parliament should be told that that particular section is taken from the Revised Statutes of Canada, chapter so and so, as the inference is that that is a correct transcript of the statute as it is. I might mention that in the instance to which I refer the penalty the judge is authorized to impose is fine and imprisonment. In another case under the Bill the imprisonment is omitted or the fine is omitted, I cannot say at the present moment which, because I have not my notes with me. I do think, therefore, it is a very great mistake if the Government insist upon the Senate passing this Bill during the present session. On a former occasion a Bill somewhat similar in its character, although of not so much importance, because it only dealt with a branch of the criminal law, was brought up to the Senate at a late period of the session. We had our cards distributed amongst us for prorogation, as we have now. The House of Commons, as it is well known, has practically disposed of all its business. I understand the Estimates are through. At all events, whether they have or have not, we know very well that in these last days of the session a Bill of this kind of such very great importance—and I venture to say that no Bill of such importance has been under the notice of Parliament in the last ten years—should not be taken up for consideration. I know of nothing which is so intimately connected with the whole social life of the community. It is a departure from the law which has prevailed for centuries and centuries. The British law was introduced into Canada and into the Province of Quebec as early as 1763, the *lex non scripta* that we have been educated in and that every professional man is so familiar with. This Bill is a departure from it and seeks to lay down hard and fast lines under which——

Hon. Sir JOHN CALDWELL ABBOTT—Would my hon. friend allow me to interrupt him. The application that I have made before the House is simply to place the Bill on the Orders for the second reading. My hon. friend desires that the Bill be not gone on with, and he will then no doubt move in the proper form. I assume that at this stage we should not have a long debate, when we shall have one to-morrow at the second reading. I do not wish to dictate to my hon. friend, but would merely suggest if it would not be to

the advantage of the time of the House to have this debate at the second reading. My hon. friend has a great advantage over many of us, as having been a member of the committee, and having been present at its meetings, and is therefore familiar with the clauses of the Bill; but I would propose to him to postpone this debate until the Bill comes up on the second reading.

Hon. Mr. SCOTT—I am perfectly within my rights on the present occasion, but I do not propose to go into details in this discussion at all. I am speaking on the general principle, as to whether it is fair to this branch of Parliament to be asked to consider a Bill of this importance at so late a period of the session. I profess to know very little about it. I had not the time to give to the work in committee that I should have done, and therefore did not attend a single meeting of it. But whether I attended the committee or not, it is a matter of fact, a matter of notoriety, that the report of that committee is not as the Bill is now—that the House of Commons has struck out many of the clauses adopted by that committee, and has made material changes in many of the clauses. It is a notorious fact also that day after day the House of Commons had this matter under consideration and made many amendments and alterations in the Bill. It is not now in the shape that it came from the committee. Therefore, had I attended the committee, and relied on information derived as a member of the committee, I should certainly be at fault in considering the Bill now it is materially altered in many important particulars since it left that committee. I feel it my duty at this early stage to draw the attention of hon. gentlemen to this important question, because I feel this is one involving the honour, the dignity, and the position of the Senate. I think if the Senate were to pass this Bill now without the consideration to which it is entitled certainly, in the estimation of the people of Canada, the usefulness of this Chamber would be gone. If the Senate is prepared to give up its rights by accepting a Bill of this important character, which affects the rights and privileges of every individual in this community, then the Senate certainly has no duty to discharge that I am aware of that could not be quite as advantageously discharged without the existence of this House. The reason why I rose at this early stage was that on a similar occasion when a Bill came up much more restricted in its character than this one, similar action was taken, and under the pressure of feeling in the House of Commons the Government consented to withdraw the Bill. In 1868 a Bill to amend the criminal law was brought up to the Senate, and Bourinot says, page 472, under the heading of "Bills Rejected by the Senate":

"The number of Bills of public importance rejected by the Senate since Confederation is very small compared with the large number coming under their review every session. In the latter part of the session of 1868 they refused to consider certain measures assimilating and revising the laws relating to criminal justice on the ground that it was impossible at that late period of the session to give such measures that careful deliberation and examination which their importance demanded."

That was the action of the Senate in 1868. I trust that the action of the House in 1892 will be equally judicious, equally prudent, and that it will be equally anxious about its own honour and dignity in the country. I ask, in all fairness why it is that the Government should be disposed to push this Bill through this session? It is not to go into operation for a year. It is not a Bill required immediately by the community. With the exception of Judge Gowan I have not heard a single opinion from any judge, or from any stipendiary magistrate, or any justice of the peace, or from any lawyer in support or approval of this code. On the contrary, I have heard many expressions of dissent from the principle now sought to be introduced for the first time in Canada. The criminal law of Canada is certainly in advance of civilization. It is abreast of any criminal law in the world. We introduced into Canada the *lex non scripta* of the mother country over 100 years ago. Since then we have changed it somewhat, and have adopted some measures peculiar to this country; but in all other respects the law of England and text books of England are those which have prevailed in the past years. The judges of this land are familiar with them. Nobody has ever passed the slightest reflection on the criminal code of Canada as it exists. It is quite as broad and quite as humane and tolerant of the rights of the subject as any criminal code in the world, and therefore there is no pressing necessity for this legislation. This code is based on the code introduced in England in 1880. It took three years to get it before

the House of Commons there after it was prepared, because the judges of England did not approve of it. We know how conservative the English jurists are in such matters. In 1883 that code was before the House of Commons and the committee from the month of February to the month of April, and the opposition manifested against the code was so strong that the Government withdrew the measure. Since 1883, up to the present, it has remained in the pigeon hole of some department of the Imperial Government. It has never been attempted since to bring it before the House. Why should we anticipate the action of England in this legislation? Why should we be compelled at this stage to banish from our libraries the text books and books of forms that we are all familiar with—that the judges and the barristers have at their fingers' end—when no one asks for it, wishes it or demands it, and there is no feeling for it throughout the country. Show me anything in the press of Canada which says this Bill is a pressing necessity. If I appeal to the hon. gentleman it is not that I wish him to throw up the Bill. I do not wish to treat it with discourtesy. I daresay those who drafted it wished to improve, if possible, the law as it exists. I give every credit to the joint committee of both Houses for having conscientiously devoted their time and talents towards improving it; at the same time a Bill of this kind ought to be a harmonious Bill. It ought to be one, if we are going to impress it on the country for all time, thoroughly consistent with itself. It is not consistent with itself. On looking over it I found a clause which provides that where a party is charged with an offence for which no penalty is attached under the particular statute, the penalty fixed shall be limited to one year. I found another clause word for word that the penalty should not be more than five years. Now, it is quite clear that this Bill has been in the hands of different draughtsmen. A great deal of it has no doubt been scissored and pasted in, and it is impossible to make it correct without a great deal of consideration. My advice is this: that the Bill should be left over, and that the Government should, during the next few months, employ three expert jurists—taking one of the most advanced judges of the county court, a judge of the high court and a judge skilled in criminal law. Let them go over it carefully, and put in italics the changes we are about to make, in order that the people may know what the alterations in the law are to be. This is a reasonable proposition. The Government would get credit for it, and the code would go through Parliament next session without any difficulty. I ask, in all candor and in all fairness, not with a desire to thwart or hamper the Bill, that that should be done. I do feel that it is not fair or just that hon. gentlemen should be asked at this stage of the session to take up a Bill of this importance with so many hundred clauses, and pass it in the short time at our command. In order that hon. gentlemen may appreciate the great changes that have been made in the Bill since we first got it two or three months ago. I should ask that the Bill, as it passed the House of Commons, should be laid on the Table of this chamber, and that a message be sent to the other House to that effect. In that way we could be advised more effectually, because, as it is now printed, without any references, we might just as well by one motion move that clause 1 to clause 1040 be passed by this chamber. I should ask the Government to stay proceedings for second reading. Of course if the Bill goes to the second reading then an effort will be made to pass the Bill, and feeling as I do that it is unwise, imprudent and impolitic on every ground for us to endeavour to press this Bill through, I take the earliest possible opportunity to press my views before the chamber.

Hon. Mr. MILLER—We have listened to a speech on the first reading of an important Bill, that is quite unusual to hear in this House. However, it is gratifying in one respect, because we find the hon. gentleman has resumed his position in this House as leader of the Opposition, and he has sounded the keynote of hostility to the most important Government Bill that has been submitted to this Parliament for the last ten years. I shall have a word or two to say before I sit down, on his doubtful position for some time past, but I am only going to make one or two remarks, because I consider the debate inopportune at the present time; but I wish to ask the House if the hon. member from Ottawa, as a member of this Chamber, is entitled to assume the position with regard to this important measure the attitude he has assumed here to-day? I shall, however, commence at the end of the hon.

gentleman's speech and refer to the authority which he has cited as a precedent to be followed by this House. He has referred to the action of the Senate in 1868 in relation to the Criminal Law Bills then submitted for our adoption by the Government, but the hon. gentleman from Ottawa was not in this House at that time, and he does not know the circumstances attending the motion which was then made as well as I and a few others of us who were at that time members of the chamber; but I will tell the hon. gentleman the circumstances under which the action of the Senate was taken on that occasion. That was the latter part of the first session after Confederation. We had met in the autumn of 1867—in November, I think—and adjourned from December over until March, and we finished the session some time in the latter part of May. That session was marked by a larger amount of important legislation than any session of Parliament that we have had since Confederation, and necessarily so. All the departments of Government had to be organized. The whole civil machinery had to be put in motion under the new constitution of the country, and it was one of the most laborious and important sessions—from that important circumstance—to the country that Parliament has ever seen. Both branches worked assiduously during the two sessions, and enacted, as the Statute-book will show, a large amount of legislation. To complete that work it was important to introduce the criminal laws. The Criminal Bill that was introduced was brought in on the 1st April 1868, in the latter part of the second session, making a complete change in the criminal law of the country as it stood up to that time, because it was the adoption of a new criminal code for the whole Dominion. The Bill went through the House of Commons and it came down here two or three days before the close of Parliament—on the 20th May, I think, and Parliament was prorogued on the 22nd May. The ground was then taken, and I recollect the circumstance very well, because the gentleman who succeeded in having that Bill postponed (the gentleman who led the Opposition, the late Mr. McCulley, of Nova Scotia) sent one or two of his friends to me to ask me to make the motion in order to secure my support, but I declined to do so, and it was afterwards moved and carried on a small majority. The ground taken was that we had not time to read that Bill because of the large amount of important work we had on hand during the session, and that it was too important a change altogether, as far as the Dominion was concerned, to be made in haste. It was the introduction of the criminal law of England to a large extent. It was under these circumstances that it was considered wise, because having done so much towards setting the machinery of government in the Dominion in operation, to allow this Bill to stand over until next session, in order that we might have an opportunity to read it. Does my hon. friend mean to say that the Criminal Law Bill introduced into Parliament in 1868 bore any comparison with this Bill in many respects? In the first place it came to us within less than two months after it was introduced in the House of Commons and when we had not time to read it. The Bill now before us was introduced last year in the House of Commons. It has been two years before the country. It has been submitted to eminent jurists all over the country, and we had it distributed amongst us last year, and it has been discussed fully this session in committee. Every one who takes an interest in the Bill has had ample opportunity for studying its clauses and making himself acquainted with its contents. We all know that a Bill of this kind is not dealt with by the great body of the representatives. In the House of Commons not more than half a dozen members took a leading part in the discussion of the Bill, and it is not likely that more than half a dozen members of this House will discuss it as they would any other general measure. Members may have particular clauses that they desire to see amended, and they will have ample opportunity of having their views considered. This is a Bill largely to be dealt with by experts, if I may use that word, because in many cases non-professional men will not feel at liberty to deal with a measure which has been draughted by skilled hands. I see the hon. gentleman from St. John smiling. No doubt his splendid abilities and great learning will have an opportunity of being displayed in discussing the Bill, and he will have occasion to exhibit the great talent which no doubt he possesses for legislation. I only mention what occurred in 1868 to show how little comparison there is between what took place then and what the hon. gentleman from Ottawa now suggests. The comparison is simply an absurdity.

The hon. gentleman takes another objection that the Bill is not signed. I wonder if my hon. friend is serious in that objection? All we know is that the Bill is sent to us under the signature and certificate of the Clerk of the House of Commons. I have looked at it, and it is just as regular as any Bill that I ever saw come before the Senate. If it were a Bill that was sent down from us to the House of Commons and amended in that House and returned here, then there might have been a different endorsement on it; but it is a Bill originating in the House of Commons, and all we can have to do with it is to treat it as a Bill that has left the House of Commons, with the necessary endorsation of the Clerk of that House. What has this body got to do with this Bill as it was submitted to the House of Commons? All we have to do with is the condition in which we find it after it has left the House of Commons, and I never heard of such an extraordinary request as that we should get a copy of the Bill as it was submitted to the Lower House by the joint committee. I ask any hon. gentleman if he ever heard such a request made to this body—that before we begin to discuss the Bill on our Table we should get a copy of it as it was reported to the House of Commons. If there is anyone in this Chamber who is not in a position to take the objection which has been urged by the hon. member from Ottawa it is my hon. friend himself. He was named months ago as a member of the Select Committee of both Houses to consider that Bill. Every member of the Senate who was appointed to that important and onerous duty attended the meetings of the committee and did good service on it, except the hon. gentleman from Ottawa. From the first sitting of that committee until the last he never showed his face—never gave us the pleasure of his countenance on one occasion during the weeks that we sat considering that Bill. Every one who listens to me will admit that if there is a measure which ought to be discussed in a committee such as was appointed by the two Houses it is just such a Bill as this. It was an occasion on which a member, with the legal ability and general knowledge that the hon. leader of the Opposition possesses, could have done good service to the country and well performed his duty as a member of this Parliament, if he had felt inclined to do so. The hon. gentleman did not do so, and here he comes, at the eleventh hour, and starts a few captious objections, and backs them up with as reckless statements as I have ever heard, even from that hon. gentleman, on the floor of this House. There are some committees of this House that deal with special subjects—which the hon. gentleman never fails to attend—he is the first there and the last to leave. If some of these special subjects were before the House now—if a Canadian Pacific Railway Bill were before the Senate I have no doubt he would think it his duty to stay a month if necessary, and examine every clause, one by one, giving it all the time and attention requisite for that purpose; but the hon. gentleman could not give even a single day, or a single hour of the days and weeks that this committee met and laboriously and patiently went through this Bill clause by clause—he could not give a single hour to the discharge of his duty as a member of that committee. There is no member of the Senate who could attend to his duty under more advantageous circumstances than the hon. gentleman, except, perhaps, the hon. member from the Rideau Division, because he is at his home—he can attend to his office every day and make his duties in this House subservient to his ordinary business. He has advantages which none of us possess in that way, and still he could not give an hour to this important Bill that he is so ready to criticize and to burke if he could—for that is the proper word—at the first reading. Before the ordinary custom of the House can be followed the hon. gentleman must exhibit his partizanship, and expose to the House what is really at the bottom of his opposition to the Bill. It is opposition to the Government and the Minister of Justice that actuates him.

Hon. Mr. SCOTT—That statement is utterly untrue; on the contrary, I said in my observations that I was quite willing, if the Bill was referred to experts, to allow it to go through next session.

Hon. Mr. MILLER—The committee to which the Bill was referred was a committee of experts selected from both Houses with the greatest care. I am happy to say that all the gentlemen from this House gave marked attention and useful work to that Bill, and no one among us more so than the hon. sen-

ior member from Halifax, and I have great pleasure in publicly saying so. He not only reflected credit on himself in that committee, but he reflected credit on the body to which he belongs. I ask the House if the conduct of the hon. gentleman from Ottawa towards the committee is not some explanation of the animus which lies at the bottom of his extraordinary attempt to burke the measure at the first reading ? I believe this is one of the most important measures ever submitted to a Parliament in this country. I want the House to distinctly understand that it is not an invention of a new criminal code ; it is simply what its name purports to be—a codification of the laws as we have them—and it is merely an attempt made to get within narrow compass in a form that will be intelligible to the public, the criminal law of the land. I have reason to believe that from one end of the Dominion to the other this great attempt at codifying the criminal laws and placing them within the reach of all our people will be hailed as one of the greatest boons that our Government has ever had the opportunity of granting to this country. I think that if the archives of the Department of Justice could be searched we would find thousands of letters bearing evidence to that fact, and to the satisfaction with which the leading minds of the country, lay and legal, view this attempt to codify our criminal law, and place it within the reach of all our people. It is not what the hon. gentleman would lead us to believe it is, a Bill completely altering the whole criminal system—the laws under which we have existed, and other communities have existed for so many hundreds of years. It is only altering them so far as the improvements of modern times, so far as modern civilization has seen necessary to alter them, and it is with the object of keeping up with the march of civilization on this great subject that the Bill is at all in existence before the House to-day. An attempt was made in England in 1880 to codify the criminal laws of Great Britain, but in an old country with so many prejudices, and so many institutions deep rooted in traditions and usages it is a very different thing from undertaking such a measure in a new country, and it is wise for us, before we have these prejudices, traditions and customs of one kind or another to be interfered with, to establish the foundation of our criminal system as it will be established in this Bill. Many years after this it might not be so easy to do this work, and it is, I presume, for these reasons that the Minister of Justice has devoted so many years—because years have been devoted really to this great measure—to the preparation of it. There is no cause why we should not take as much time as we wish to discuss this measure. We have not been doing a great deal of work this session.

Hon. Mr. MACDONALD (B.C.)—There is plenty of time before Christmas.

Hon. Mr. MILLER—I have been in Parliament a great many years and I never knew a session in which we had less work. It was not our fault that we had no work to do. The fact is, however, that we had to adjourn half the time. The House of Commons were at work—some of it, to my mind, was very useless work, but still they were working all the time. There is no reason why they should not take an adjournment of two or three weeks now and come back again, and let us remain at work. The country expects it. If we fail now to face a little work because it will keep us a week or two weeks longer in session, the country will be of the opinion that when we complain we do not get work we are not serious, because we are not willing to tackle it when it is presented to us. I hope that the House will come up to the expectation of the country—from one end of it to the other—and no matter what time may be required for the perfection of this measure that we will remain and pass it. We are not limited—we can take our own time. If we can get this Bill through in a week, well and good, and I do not see why we should not ; but if it takes three or four weeks, we should stay here and attend to our duties. Although I have no love for Ottawa at this time of the year, I should be willing to sacrifice my personal wishes to remain and attend to this Bill. I do not want to see the labours of the members who have given their time to that Bill, discussing it carefully line by line and clause by clause, week after week, thrown aside and going for nothing, because that will be the result of accepting the views of the hon. gentleman from Ottawa. This whole work would have to be gone over again next session. To us in this House it would not be a very serious matter if this Bill were thrown over for another session. But it would be a serious matter to the Minister charged with the leadership of the

House of Commons—charged with grave duties of state and with the management of a department and the responsibility upon him during a session of Parliament—it would be an onerous thing for that Mnister to have to take up this Bill next session where he took it up this session and carry it through in the face of the opposition which will always spring up when it comes before the popular body. Now that it has passed through the popular branch we owe it to the country, to ourselves and to the House of Commons to carefully consider this Bill.

Hon. Mr. SCOTT—I do not propose to discuss the personal question, but I feel that the House will allow me to disclaim at this moment that I had the smallest idea of in any way disconcerting the plans of Sir John Thompson. I should be exceedingly sorry to do so, and I trust that the House will not accept the statement made by the hon. gentleman from Richmond. I disown any such intention. The Bill does not go into operation until a year from July, and it can still go in operation at that time if the course that I suggest be taken.

Hon. Mr. DEVER—At this stage of the Bill I am exceedingly sorry that I have to detain the House to make a few remarks. From the fact that personal allusions have been made to me I feel it but just to myself to retort on the hon. gentleman who chose to make remarks that I think were not at all appropriate as applied to me. First, however, I will point out that I was one of those who, on a former occasion, when a similar Bill to this came up, voted against it, precisely as I would vote against this Bill under the circumstances. It came up at too late an hour in the session of 1868, and this Senate did not feel that it was compatible with their dignity to pass a Bill so voluminous, so important and so new to them, without further time for consideration. It was in such a position that hon. gentlemen could not approach it in a manner that would satisfy their consciences to pass it then. Under those circumstances we rejected it, and I was never sorry for my vote then. I trust, without proper time to consider this Bill, that every member of this House will act with similar manhood and dignity and reject this Bill also. At the same time, if the Senate is willing to continue its sittings until we can pass this Bill, so that we can say to the country that we gave it the consideration it was entitled to, that we gave it the best attention we could, then the country will respect us and we can respect ourselves. Otherwise I feel that I would be doing an injustice to myself and to the country if I did not rise and make this objection. Now, with reference to the remarks the hon. gentleman made to me personally: He seemed to think I smiled. It is true I smiled, and I smiled at the simplicity of the hon. gentleman to think that he could use any argument by making it appear that he was an expert, and because he was an expert, and some other experts had gone through this Bill, that therefore we, as citizens of this country, charged with the duty of investigating measures just as well as these experts, were to relinquish our duties and to leave the whole matter in the hands of the experts.

Hon. Mr. CLEMOW—He did not say so.

Hon. Mr. DEVER—Yes; that is the view he held. He said the experts had gone through this Bill—and I think he said the House of Commons had gone through it, and therefore we should not go through it—that we should act merely on the report of the experts. I am not one of those who are willing to act on the judgment of experts, nor am I willing to take it on the character of the experts nor on the general behaviour of the experts. I feel that in this House we think too much of ourselves to be governed by the opinion of men who assume to lead and to dictate to this House. As for their legal knowledge, I am sure if the views of this House could be ascertained we would find that there was not such a general consensus of opinion that those experts were so very clever and brilliant legal gentlemen. On the contrary, there are men in this House who possess just as good common sense and more practical judgment for the well being of this country than men who set themselves up as experts in legal and other matters before this House. I trust that the Senate will take into account that those experts have no right to dictate to us—that we have a right to get plenty of time to investigate all the matters that come before us and relieve our consciences, and go home as honest men.

Hon. Mr. KAULBACH—I was in hopes my hon. friend from Richmond would show us some reason why there was any necessity

that this Bill should pass this session. My hon. friend has failed to show that there was any such necessity. I quite agree with my hon. friend as to the great importance of the Bill. It affects the rights and liberties of the subject, and when it leaves this House it should have the impress of the intelligence of every member of Parliament. It should be so impressed on the people that it received the full and fair consideration of every member of this House. If this Bill is to pass now I am willing to remain here and take it up clause by clause as far as necessary, and sacrifice more time in doing so than I would otherwise be disposed to do—if it is necessary to be done. But I cannot see what injury would be done by leaving this Bill over until next session, and let it be circulated through the country. Then every member of this body, and those outside of this House who take an interest in the important subject to which it relates, will have spare time to give it full criticism, and come here prepared to take it up when it will be introduced again in this body. Every member will come here fully informed on every clause of the Bill, and be prepared to decide whether it is right to make it law or not. As regards the committee, I have nothing to say about them personally; but the committee must not think, and the House does not suppose, that when the three or four members were sent from this body to that committee, they took with them all the legal knowledge, all the experience and all the intelligence of this Chamber.

Hon. Mr. MILLER—Nor the other House either.

Hon. Mr. KAULBACH—My hon. friend from Richmond, I know, does not think so.

Hon. Mr. MILLER—No.

Hon. Mr. KAULBACH—At the same time he is of the impression that when experts have gone through this Bill it is but fair and reasonable that the House should pass it with certain criticisms and amendments, but that they should not give the whole Bill that consideration which it should otherwise receive. My hon. friend referred to the Act of 1868. I do not think that the hon. gentleman from St. John was here in '68.

Hon. Mr. DEVER—I was.

Hon. Mr. KAULBACH—The Bill was of great importance, and it was laid over.

Hon. Mr. MILLER—The British North America Act made provision in that case for its lying over.

Hon. Mr. KAULBACH—It may have been so. I should be very much opposed to having this Bill referred to specialists. The fact that it has been prepared by the Department of Justice and received the careful consideration of the Minister of Justice, and specialists, would not warrant us in abnegating our rights and functions. I believe that credit should be given to the Department of Justice from which it came, and if I thought for one moment that that department, or the head of that department felt that he was not being fairly treated by this body, and that proper respect had not been paid to his Bill as it came before us, I would hesitate very much in saying that the Bill should not pass this session. But I do not look on it in that light. I am sure that the Minister of Justice is as desirous as any one of us that a Bill of this importance, that makes so many changes in the criminal law, should be perfect, and that we should have all the information possible before we pass it, and if we shall have that by another session I am sure the country will not lose by it, and the Bill must improve by the consideration we shall give it. It is bringing the law in harmony with the advanced stage of civilization and intelligence, and the interests of the country, and therefore we should make it full and complete. We are going to spend on this code tens of thousands of dollars, and it should go to the public as the consummation of the wisdom, not only of Parliament, but of experts outside of it. I am sure I am not acting in a spirit of opposition to this Bill, and I do not think the hon. gentleman from Ottawa is animated by any such hostility. I am not, certainly. No person will give me credit for any feeling of hostility to the Government or to any department of the Government, but I am as anxious as possible that this Bill should be passed in a perfect condition. I am willing to remain here two or three weeks, if necessary, to make it perfect, but I think at this stage of the session, after being here over four months, and many members leaving, it would be rather hard on many hon. gentlemen. I believe the hon. gentleman from Richmond will feel it a large sacrifice to his own per-

sonal convenience, but, if he wishes, and is willing to remain, I am willing also to remain. I believe, however, it is not in the public interest that we should do so, for I feel that if we went on with this Bill now it should not receive the consideration it is entitled to. Many hon. members have gone home, and others are packing up to go home, and I fear that the Bill will not receive that consideration which its importance deserves. I have not heard any wish from the department that this Bill should be forced through this session, and I see no reason why it should not be left with us, distributed through the country, and it will come back to us next session and be passed, having the impress upon it that it has received all the consideration that such an important Bill deserves. The Bill should have been introduced in this House first. We could have devoted the first part of the session to it, and the objection that is now urged would not arise. If we pass this Bill now we will have to swallow it blindfold, unless the hon. gentleman from Richmond can animate other hon. members with the same feeling that he has himself, so that they will remain here for weeks and devote their time to it. The interests of society, the liberty of the subject, or the protection of the subject will not, however, be impeded or endangered by laying this Bill over until next session. If the Bill is pressed by the Government it may go through in a day or two; but I shall feel it my duty to retire from the consideration of it, for I feel that I could not do it the justice it deserves, in having it pushed through so rapidly.

Hon. Mr. BOULTON — The question of bringing forward this Bill at the present moment is a fair subject for discussion in its present stage. If it is pressed it will go through its second stage to-morrow, and it will be discussed, as a certain amount of time is absolutely necessary to give to the deliberation of such an important measure. As my hon. friend from Lunenburg has stated, we can sit here for a fortnight or three weeks, or a month if necessary, and I certainly think it will be necessary to do so in order to fully discuss the clauses of this Bill. There were placed in my hands some amendments to several of the clauses, addressed to me from a man named D. A. Watt, and giving his reasons why these amendments should be adopted. In discussing amendments of this kind it is impossible to do it properly unless we give close attention to the Bill from beginning to end, and go through it clause by clause. Personally I would be quite satisfied to remain here and consider the Bill for a fortnight or three weeks; but I have other business on hand which I want to attend to out west, and it is necessary for me to remain here at any rate until the Redistribution Bill goes through, because I have a motion on the Paper to move in amendment that it be referred to the Supreme Court for a constitutional opinion, and I do not wish to leave any of my work unfinished. For that reason I intend to stay here until we get the Redistribution Bill before the House. I believe it was at the door of the House on Thursday, but for some inscrutable reason it was sent back to the House of Commons by the Clerk, and the Criminal Law Bill was sent up in its stead. If the election for Marquette is hurried on it will be like striking a man below the belt, for I must stay here as long as my duty to the country requires me to stay here, in order to assist in carrying on the business of the House.

Hon. Sir JOHN CALDWELL ABBOTT— I desire, in the first instance, to reassure my friends from Lower Canada as to the printing of the Bill in French. I am as well aware as they are that it is their undoubted right to ask that the Bill should be placed before them in their own language, and it would be inconsistent with my practice on all former occasions, and it is a thing that I do not intend to do on the present occasion, to attempt in any way to force the Bill forward in the House against the will of our French Canadian friends until it has been printed in French. I do not propose to say very much on the subject of this Bill, but I do not think that the hon. gentlemen who have spoken against it have treated the Government quite fairly. In the first place the hon. gentleman from Ottawa assumed that we propose to force the Bill through without discussion—that we propose, according to his theory, to insist on this Bill being put through without every member of the Senate having every opportunity that he could possibly desire, to discuss it in such a manner as he may think proper. No such idea has ever entered into the views of the Government; no such intention has ever been entertained by it. The proposition

is to bring this Bill before the House in the ordinary way, so that every hon. gentleman in this House may take whatever time he pleases, to amend or discuss it in any way he thinks proper. My hon. friend's assumption, on which he bases a large portion of his argument that the Bill is to be forced through the House without discussion, is without foundation. It would be disadvantageous to the Bill itself to press it forward without giving everybody an opportunity of discussing it. No such proposition has yet been presented to the House except by the hon. gentleman from Ottawa. The question is, Is the Bill in such a position, or can we put it in such a position, that it ought to be passed now? I maintain that until it is before us it is impossible for us to say whether we can pass it or not. On this occasion what am I asking? I am asking that the Bill be put on the Orders in such a way as to have the opportunity of giving it a second reading, in case hon. gentlemen choose to read it a second time. For the first time since I have been in this House an objection is taken to putting a Bill on the Paper where it can be discussed according to the ordinary course and practice of this House.

Hon. Mr. SCOTT—No; I do not object to that.

Hon. Sir JOHN CALDWELL ABBOTT—I know that I am right in respect of the time that I have been myself in the House. I never heard of an occasion where a Bill was not allowed to be introduced and read the first time without discussion.

Hon. Mr. SCOTT—I take no objection to the first reading of the Bill; it is simply an appeal I made to the Government at this stage of the session not to go on with the Bill.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend ought to know that I am very susceptible to appeal. He knows that I very seldom disregard an appeal from the House when it is based on reasonable propositions. I do not quite agree with some of my hon. friends who have spoken, that it would be a reasonable proposal for this House to sit three or four weeks longer in order to pass this Bill. I think it would be verging on what is unreasonable to ask us to do so; but as we have nearly the whole of the time during the remainder of the session, which we may fairly devote to this Bill, and as we have determined to sit from eleven o'clock in the morning until as late as we see fit to sit in the night, we shall have ample time to discuss it.

Hon. Mr. MILLER—Three hundred clauses went through the House of Commons in one day.

Hon. Sir JOHN CALDWELL ABBOTT—Over four hundred clauses of the Bill passed the Commons in one day. There are several reasons why I think we should be able to finish this Bill within a reasonable time. The most forcible of these reasons is that an important committee of our House has sat jointly with a committee of the House of Commons for some weeks discussing every clause of this Bill. It is not as if the Bill were now brought before this House for the first time. The best legal minds of this House have had an opportunity to consider this Bill for the last three months. The Bill was printed last session and circulated, and then it was said to us, "Do not press the Bill this session—put it off until the next session and then we will pass it." Now, what has taken place this session? The Minister of Justice and a good many men known throughout the Dominion as having a long experience in legal practice have devoted themselves to discussing the Bill and passing it through the other House, and have bestowed upon it an amount of labour that I do not believe was ever bestowed upon any other Bill that has ever been before these Houses, and surely hon. gentlemen are not going to say to these men, "We despise and condemn what you have been doing. We do not think anything at all of the labour you have been devoting to this Bill for the last three or four months. We will throw it out and will not look at it." It is only at the second reading that a Bill is really taken cognizance of by the House, and I do say it would be a most unfair and unjust proceeding at this stage to stigmatize it with severe condemnation, and refuse to place the Bill on the Orders for a second reading. My hon. friend began criticising this Bill and its details, although he said that he never went before the committee at all, and before he had even read the Bill the second time. It is in the Committee of the Whole House, under the practice of the House, that we should discuss the details which he and the hon. gentleman from Halifax exposed to us. Let the Bill come before the House in

the proper way and then we can discuss it in detail.

Hon. Mr. POWER—The hon. gentleman is mistaken in saying that I criticised the Bill. I have not made any remarks on the Bill at all.

Hon. Sir JOHN CALDWELL ABBOTT—I beg my hon. friend's pardon ; I was confusing him with some other gentleman who spoke in the House.

Hon. Mr. POWER—It was my hon. friend from St. John.

Hon. Sir JOHN CALDWELL ABBOTT—I do not think my hon. friend from St. John went much into details. The hon. gentleman from Ottawa took a course that is unusual, and with that respect which the House feels for him, some hon. gentlemen followed in the same line. He led them astray to that extent. I do not deny for a moment my hon. friend's right to make objections when any stage is being taken, if he thinks proper ; but I say, according to the usual practice of the House, it has been customary to have a Bill put on the paper for second reading, at which time it is supposed that the House has become familiar with the principle of it. It is distributed. Everybody has seen it, and everybody knows what it is, and then hon. gentlemen will make up their minds whether they will agree to the principle of it or not. The details are discussed in Committee of the Whole House, when the Mace is removed from the Table, and everybody has a right to discuss it as freely as he pleases. That is the regular course. Why are we now going to depart from it ? Why do my hon. friends wish to depart from this course ? Do they think that the labours of the House of Commons, and of the members of this House, who have taken such an interest in the Bill in committee, are not worth considering—that they will not look at them ? Do my hon. friends think that these labours are such that they are not deserving of the slightest notice from this House ? Surely this would be treating them unfairly. Surely there should be no such contemptuous action by any chamber as to say when it is called upon to perform its duties "No, we will not look at the paper at all," and yet that is what my hon. friend asks us to do. My hon. friend said he made an appeal to me. I will tell the House what I think of this Bill. My opinion is that we should read it the second time—that we should try our hands at passing it—that we should begin the work, and if we find we cannot get on with it—if we find that it is too much of an effort for the remaining days of the session that we can devote to it here, I shall not stand in the way of the Bill being postponed in some form or other. My own impression is that when we go to work at the Bill, if hon. gentlemen will go to work seriously, and use their endeavours to make right what is wrong in it—if there is any wrong—we shall get through with it fairly in moderate time. We will in the course of five or six days make a very large hole in it. But I may be mistaken. We may take up the whole time on five or six clauses, but if I find that we cannot give the Bill that attention which it deserves, and which it requires, and which I desire that it should have in the time at our disposal, I shall not be the last man in this House to get up and say that we shall postpone the consideration of this Bill to another occasion. At the same time I think it would be a great pity—a great misfortune—to do so. We should perform our duties, and show that though we have certainly been practically idle for several days during this session, we are ready when the time comes and the work is placed before us to attend to it and finish it. This Bill is just as necessary as any other important Bill that comes before Parliament. It has been regarded as an essential Bill in England. The hon. gentleman from Ottawa says that the Bill prepared in England in 1880 has been laid away in some pigeon hole ever since. My hon. friend is mistaken. The Bill has not been pressed forward as a whole, but parts of it have become law from year to year, and now a large portion of that Bill has become incorporated into the law in that country. We find it better in this country to try to place the whole thing before the House at once, as one connected whole, and to make a code of it. In England that mode is rendered difficult by the fact that the most conservative portion of the British Parliament is composed of lawyers ; they desire to adhere to the old system, and it is next to impossible, as has been proved on more than one occasion, to codify the law and make its operation more accessible to the public, and less exclusively to the lawyers. But even there, as I have already stated, the code has been reproduced

in the statutes, piece by piece, and a large portion of it is actually now on the Statute-book in England. I think I have made myself understood, and I do not think that it is necessary for me to say more on the subject. I entirely agree with the hon. gentleman from Ottawa for once, on the theory that we are bound, if we take this Bill up, to go on with it, and to do it carefully, and to devote our best attention to it, and make it a good Bill if we pass it at all. I say that if we find when we have begun the operation of criticising and amending the Bill that we cannot do it within a reasonable time, I am not going to try to force the House to sit on through the dog days working at this measure. Let us, however, pay the House of Commons the ordinary compliment of looking at their Bill and reading it the second time ; then, if we find that we cannot go on with it, it is not impossible that we can take some means to place this Bill before the House next session in the precise position in which we leave it this session. I propose to inquire if such a thing as that can be done. It was done under the old system in this country ; but if we find that we cannot get on comfortably and satisfactorily with the criticism of this Bill before it leaves our hands I will see if we cannot do what I propose. But I say, do not make a pariah of the Bill. Do not treat it with contempt. Pass it as far as we can in the performance of our duty, and when we find that we cannot get on satisfactorily any further, I will be the first one to say stop.

Hon. Mr. SCOTT—And I am willing to give my assistance in that way.

Hon. Mr. POWER—I do not think any one differs very materially from the hon. Premier. I think the view he has put before the House now is the proper and correct one. I think the Premier, to a certain extent, rather misapprehended the remarks of the hon. gentleman from Ottawa. I have not had any consultation with the hon. gentleman at all, and I did not know that he proposed to say anything at the first reading of the Bill, but I did not understand that hon. gentleman to imply that he opposed the first reading of the Bill or that he intended to oppose the second reading of the Bill. I think the course which the Premier has indicated, that the Bill should be read the second time, and then, if it is found we have not time to do justice to the Bill that it should be postponed until next session, is just such a course as would appear the best, and to adopt such a course would, I think, meet the views of the hon. gentleman from Ottawa and would certainly meet mine.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. POWER—I think the hon. gentleman from Richmond and the hon. Premier were to a certain extent unjust to the hon. gentleman from Ottawa in talking of his course as unprecedented. A Bill is open for discussion at every stage—first, second and third reading—and I look at the line taken by the hon. gentleman from Ottawa as being one worthy of praise. Suppose that the hon. gentleman from Ottawa had sat in his seat, and thereby indicated that he had not the slightest objection to the Bill being put through at once, and when the Bill came to its second reading the hon. gentleman had got up, and without giving any previous notice to the Government moved the six months' hoist or some other motion of that sort, I think it might then be very well contended that he was taking the Government by surprise. He has not chosen to do that. He has indicated at the proper stage, I think, the reasons why he thinks that we should hasten slowly with this important measure. I am not aware that any hon. member has any objection to the first reading of the Bill. The opposition of the hon. gentleman from Ottawa indicated certain details of the Bill which he thought deserved consideration. I did not understand that the hon. gentleman did that with a view of discussing these details, as we would in committee, but it was done simply to indicate that the Bill as it came to us was not perfect and needed discussion and amendment, and he was simply allowing the House to understand the position of things. The hon. gentleman from Richmond was good enough to say that I had been very attentive at the meetings of the committee. That is a fact. I think that the Government deserve credit, as showing a great deal of enterprise in being anxious to be abreast of the times and put our criminal law into a form in which it is more accessible than it is at the present time. The code, when it is a perfect code, or as nearly perfect as we can make it, will be a very good thing, but I feel, just because I do take a deep interest in this work, and am anxious that we should have a good code, that we should not let the measure go out of

this House until we are satisfied that it is as perfect as we are able to make it. Whether we shall have time to do that work within what may be called a reasonable time is the question. Inasmuch as the Bill is not, in any case, to go into operation until the first of July next year, there would be no time lost as a matter of actual practical work. There would be no time lost if the Bill were postponed by and by till next session; in the meantime, it could be placed in the hands of experts, as suggested by the hon. member from Ottawa, with a view to harmonizing its phraseology.

Hon. Mr. SCOTT—I move that a Message be sent to the House of Commons requesting that House to send to the Senate Chamber the original of the Bill intituled "The Criminal Law of 1892," to be laid on the Table of the Senate during the discussion of the Bill in the Senate.

Hon. Sir JOHN CALDWELL ABBOTT—That is not exactly what my hon. friend wants, I think. The Bill passed by the House of Commons is the Bill that is before us.

Hon. Mr. SCOTT—The draft Bill. There is clause after clause that need not be touched. Some of the amendments introduced in the special committee were struck out in the committee of the House. I want to see those clauses, because really those are the debatable clauses.

Hon. Sir JOHN CALDWELL ABBOTT—If we compare the two we can find the alterations. Does my hon. friend want the Bill as it passed the committee?

Hon. Mr. SCOTT—I want the Bill as it passed the House of Commons with the corrections made. The Bill was reported with several amendments to the House by the special committee, and was by the House referred to a Committee of the Whole. Many of the changes recommended by the special committee were adopted; others were not adopted. That is the draft Bill which shows the original Bill and the amendments made in the special committee, and which shows how far the House of Commons accepted the changes made by the special committee—what clauses they struck out and what substitutions they offered. In that way we can understand the question. Of course, it is utterly impossible to take up such a voluminous Bill clause by clause.

Hon. Mr. POWER—What the hon. gentleman wants for use in this House is the copy of the draft Bill which was used by the chairman of the House of Commons.

Hon. Mr. ALMON—It is very derogatory to this House to send to the House of Commons for what they have done. Why not send for their speeches as well? We are an independent body, and not to be dictated to by the House of Commons.

Hon. Mr. MILLER—I would certainly insist upon my hon. friend giving that as a notice of motion, because I think you will find on inquiry that it is an unheard of thing. All we know of the action of the House of Commons is from the Journals, if we choose to search them, and the Bills that they send us. I have no recollection, in my experience of 30 years in Parliament, of such a request being sent to the other House. The hon. gentleman has a right to give notice of his motion in order that the House may not commit itself to an absurdity (in case it is an absurdity) without having some time to inquire. If the motion stands until to-morrow I suppose the leader of the House will be in a position to say what he will do.

Hon. Mr. SCOTT—I have just underlined those words—"as used in the Committee of the Whole."

Hon. Sir JOHN CALDWELL ABBOTT—I think it is impracticable. I know what my hon. friend wants, and I will see if I can get such a compilation as he desires, but I am quite certain that we could not procure it.

Hon. Mr. MACDONALD (B.C.)—Who is to have the copy of the Bill? There is only one copy to be had.

Hon. Mr. SCOTT—It can be laid on the Table of the House, and referred to by any one who wishes to see it.

Hon. Mr. MILLER—The chairman's copy of the Bill in the House of Commons is a record of the House. It is from that copy that the Bill now before the House has been printed and certified. I never heard of a Bill, on which the actual changes were made under the chairman's hands, being sent from one House to the other. If there is any infor-

mation that would help us in the discussion of the measure the hon. gentleman ought to get it, as a matter of course, but I would suggest, as an old member of Parliament, that we should not commit ourselves to anything that is absurd, if it is absurd. Let the notice of motion stand, and if, on inquiry, it is found to be all right, we can adopt the hon. gentleman's suggestion, but I object to the motion being made now.

Hon. Sir JOHN CALDWELL ABBOTT—I want to facilitate the discussion of this Bill. I have already asked to have a copy prepared on the original draft Bill, with all the amendments made in the other House marked upon it.

Hon. Mr. SCOTT—I have reasons for wishing to procure the draft Bill, and if my request is not complied with I shall take no further part in the discussion. If it is laid on the Table of the House any member can refer to it.

The motion to fix the second reading of the Bill for to-morrow was agreed to.

The Senate adjourned at 5.35 p. m.

THE SENATE

Ottawa, Tuesday, July 5th, 1892.

The SPEAKER took the Chair at 11 a.m.

Prayers and routine proceedings.

CRIMINAL LAW AMENDMENT BILL.

MOTION.

Hon. Mr. SCOTT moved—

That a Message be sent to the House of Commons by one of the Masters in Chancery, requesting that House to send to the Senate the original Bill as used in the Committee of the Whole House, intituled, "An Act respecting the Criminal Law," to be laid on the Table of the Senate during the discussion on the second reading of the said Bill in the Senate.

He said: Until this Bill is taken up for the second reading of course I do not desire that the draft Bill shall be brought to this Chamber. It is only when the Government propose to take up the Bill that I wish this resolution to receive its effect. I assume that there will be no objections to my proposition, because I desire it only for the purpose of pointing out more definitely to the House certain changes that are made in the Bill.

Hon. Sir JOHN CALDWELL ABBOTT—I saw the Clerk of the House on the subject last night, and he tells me that it is absolutely impossible to do what my hon. friend asks for. The draft Bill—the original Bill, as my hon. friend terms it—is the Bill that came up from the special committee, as amended by the special committee, and the amendments are upon it. It is then brought before the House, laid upon the Table, and kept by the clerk of the committee; and every amendment that is proposed, and made, re-proposed and re-amended, is scribbled into a book; and he says it is practically unintelligible to any outsider, because it is done in the loosest and most informal way possible. After the committee rises it is sent up to the Law Clerk, and the Law Clerk deciphers it as best he can, and completes the original draft according to the notes in this book. He tells me it is a record of the House of Commons and one for which there is no precedent to allow it to pass out of his hands. Of course my hon. friend must understand I do not make this objection with any desire that information shall not be given, for I am convinced the more we see of the amendments and the way in which the Bill as it now stands was reached, the more quickly will we get through with it, but this it is practically impossible to do without a violation of all the principles and practice of Parliament.

Hon. Mr. MILLER—If it would serve the purpose my hon. friend has in view, I have a corrected copy of the Bill as it left the select committee of the two Houses, wherein all the amendments are regularly recorded, and which I will be very happy to lend to the hon. gentleman if it will enable him to meet the purpose he has in view. As I anticipated, the other record is not available; but if my own record is of any value as given to me by the clerk of the committee I shall be very happy to let the hon. gentleman have it.

Hon. Sir JOHN CALDWELL ABBOTT—If my hon. friend has a record of this description I understand it is in book form and very clearly got up. It would be easy to get the paragraphs marked, which have been amended in the House since the committee made its report, and if the paragraphs which have been amended are marked it would be very easy, by comparing with the Bill before us, to see what changes have been made.

Hon. Mr. SCOTT—I am sorry to hear the Premier make the statement that it is absolutely impossible to procure that copy. The book would be as safe here as in the possession of the House of Commons. It is the original book in which the amendments were made in the Bill in committee, and these are the amendments, either altered or struck out altogether by the committee of the House, that I want. These amendments number, I believe, about one hundred and fifty, taking the amendments made by the special committee and by the committee of the other House. Some are material; others unimportant. It was to serve a particular purpose that I desired to have the Bill. Of course, if I am balked in that I have no alternative but to submit to the will of the House. I had a reason for making this request.

Hon. Sir JOHN CALDWELL ABBOTT—I went myself to the Clerk of the House of Commons with a desire to see if my hon. friend's views could be met, and I have communicated to the House what was stated to me.

Hon. Mr. SCOTT—The document is open to the inspection of any member of the other House. Under the circumstances, I have no desire to divide the House on the resolution, and I therefore ask that it be declared lost on a division.

The amendment was declared lost on a division.

THREE RIVERS HARBOUR COMMISSIONERS' BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (98) "An Act respecting the Harbour Commissioners of Three Rivers." He said: This is a Bill for the purpose of making amendments to a previous Act regarding the harbour of Three Rivers, and to give effect to an arrangement with the commissioners, which it is considered would be to the public benefit. Some years ago—in 1882, I think—the harbour commissioners of Three Rivers were constituted, and were authorized to borrow the sum of three hundred thousand dollars for the improvement of their harbour, and the acquisition of the wharves of their harbour, on the same principle as commissions have been established in different parts of the province. The commissioners, however, only exercised this power of borrowing to the extent of eighty-two thousand dollars. They obtained an advance from the Government of that sum on these debentures, with the obligation on their part to pay interest on the amount, and with the condition, no doubt, of completing the harbour; but the sum was found wholly inadequate for the purpose of making the harbour a paying property, and after expending it, as I believe prudently, and making considerable improvements, they have found themselves at a complete deadlock. The harbour was not sufficiently completed to meet the trade which they expected to be carried on, and consequently the revenues fell into arrear. The interest from part of this period fell into arrear, and the harbour commissioners and the corporation made application to the Government to put them on an entirely new footing. They suggested that the power of borrowing, which had been taken from them at the time they procured this loan, should be restored to them—that they should be permitted to borrow the balance of the three hundred thousand dollars of debentures, which they were authorized to do by the old Act. And as of course it would be difficult for them, under a second mortgage, to obtain this money, they asked that the new issue might be permitted to take precedence of the old issue. It was perfectly obvious that unless that was done, it was useless to try to raise the money under any legislation that Parliament might be pleased to accord to them, and the Government thought proper to assent to the application, the condition being that the arrears of interest accrued on the existing loan should be paid in full. The object of the Bill before the House is therefore for the purpose of placing the harbour in that position and the borrowing power, which was granted by the Act of 1882, is restored to them on condition that they pay the arrears of interest which had accrued on the amount already borrowed, and the new issue is

granted precedence over the eighty-two thousand dollars already borrowed. That is the substance of the Bill, and I trust that the House will see that it is a prudent and proper thing to do.

Hon. Mr. SCOTT—Are the holders of the first issue of debentures aware of these conditions ?

Hon. Sir JOHN CALDWELL ABBOTT—The holders are the Government.

The motion was agreed to.

VOTERS' LISTS OF 1891 BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (67) "An Act respecting the Voters' Lists of 1891." He said : By the Electoral Franchise Act it is provided that duplicate copies of the lists of voters, duly completed, shall be forwarded to the Clerk of the Crown in Chancery on or before the 31st day of December of the year in which they are completed. Now, it happens that on this occasion, as it happened on former occasions, a good many lists were not sent in until after the 31st of December. But they were acted upon, as they were before ; and it is important, although it is contended that the provision of the Electoral Franchise Act is only directory, that any doubt as to the validity of the elections held under those voters' lists should be removed, and this Bill is brought before the House for the purpose of removing that doubt—simply to provide that the fact that the voters' lists were not sent in by the revising officers until after the 31st December shall not invalidate these lists

Hon. Mr. POWER—The presentation of this Bill is an admission on the part of the Government that the Dominion Franchise Act is not such a measure as we should have on our Statute-book. Hon. gentlemen may smile ; but I think there is no doubt about it. In the first place, although undoubtedly the officers whose duty it is to prepare the electoral lists have been doing their duty as well probably as they know how, we find that the lists which, according to the law, should have been forwarded to the Clerk of the Crown in Chancery on or before the 31st December last, were not so forwarded, I believe, in a great many cases, and from the phraseology of this Bill it would seem that some of them have not yet been forwarded. That is evidence that the requirements of the Act are such that they cannot be complied with, with due regard to the proper discharge of the functions of the officers charged with the preparation of the lists. Then the preamble of the Bill goes on, having dealt with this matter showing that it is impracticable to carry out the provisions of the Act literally, to say that it is expedient that there should be no revision of the voters' lists during the present year. Looking at the revelations which have been made in another place with respect to the manner in which the voters' lists for certain important constituencies have been made up, I do not think that Parliament will say that it is expedient that there shall be no revision, unless the revision shall have been of the same character as that which has been exposed. It would be expedient, if the work could be done at a reasonable cost, that these voters' lists should be revised, and that we should have a perfect voters' list of the constituencies of Canada. But owing to the enormous cost of making the voters' list Parliament is called upon to declare that it is expedient that there shall be no revision of voters' lists this year, and although it is desirable, not only from the important character of the lists, but from the fact that each year as young men become qualified as voters they should not be disfranchised without substantial cause. The truth is, I think, that the general feeling through the country —and I am not speaking from a party standpoint at all—is that this Franchise Act had better be got rid of altogether. I think this Bill is evidence that that is the feeling of the Government also to a certain extent.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend's logic, I may say, is not altogether unassailable. The fact that some half dozen or dozen officers amongst two hundred odd have not performed their duty to the letter in the manner pointed out by the Act is not proof that the Act is bad, but rather that some of the officers have not performed their duty. At the same time, I see that my hon. friend does not make his statements in any controversial spirit, and I do not propose to deal with them as having been made in a controversial spirit. I think it right, however, to say that I trust before another revsion of the voters' lists will be

made we shall be able to place before the House an Act which will simplify it to a certain extent, as the present Act, I think myself, is too complicated and too expensive.

The motion was agreed to, and the Bill was read the second time.

REDISTRIBUTION BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (76) "An Act to re-adjust the representation in the House of Commons." He said: This is a Bill which more particularly concerns the other branch of the Legislature, but nevertheless it has to pass our House, and receive, if necessary, our revision. It is a Bill which was rendered necessary in a large degree by the fact, shown by the census, of a comparative loss of population in certain of the provinces of the Dominion, and an abnormal increase of population in some of the electoral centres of the Dominion, and the principle upon which the Bill is constructed, and which it is intended to embody, is that the reduction which the constitution requires in those provinces which have sustained a comparative loss has been made, and an addition to the representation of those electoral centres where the increase has been abnormally great has been effected. In order to do this, however, as the increase in the provinces, in which these large electoral centres are situated, was not proportionate to the increase in those centres, and was not, in fact, sufficient under the constitution to entitle those provinces to additional members, it became necessary to provide for the representation of the larger and more numerously populated electoral districts, by reducing the representation in other portions of the provinces. For instance, in the Province of Quebec and the Province of Ontario, to which these remarks more particularly apply, certain districts are greatly increased in population. In Quebec, Montreal has increased very largely indeed, and the population at this time, of what is known as the electoral district of Montreal, which is represented by three members in the House of Commons, is, I presume, about 200,000 people. In the same way, the adjoining district to Montreal—the electoral division of Hochelaga—has increased so that it has a population of 87,000 people, with only one member. And in like manner the county of Ottawa, which has always been a populous county, has increased to 64,000, the unit of population being somewhere in the neighbourhood of 23,000 people.

Hon. Mr. SCOTT—22,900, strictly.

Hon. Sir JOHN CALDWELL ABBOTT—Then, in Ontario the district of Algoma has largely increased in population, and certain portions of that district have no representation at all under the present state of things, and some 13,000 or 14,000 people are without representation in the House. The district of Toronto has also largely increased, and it was felt that it was necessary to increase their representation by giving additional members to Toronto, Algoma, Montreal, Hochelaga and Ottawa county. Consequently, this Bill gives an additional member to Toronto, an additional member to Algoma, two additional members to Montreal, and one additional member to Ottawa county. And Hochelaga is, to a certain extent, divided up. In order to meet the requirements of a representation for these different districts it became necessary to join together portions of smaller districts, which did not reach the unit of representation, and that has been done, as hon. gentlemen are no doubt aware, in both provinces. In the district of Montreal the requisite representation was mainly taken from the south side of the St. Lawrence, where a group of constituencies very small in number of population existed, and where it was easy to extract the necessary representation for Montreal. The extra member required for the district of Ottawa was obtained by joining two small districts on the north side of the St. Lawrence, possessing the same characteristics, and perfectly homogeneous in their people. It might be said that it was the same class in the county of Ottawa, with the same interests, which received the additional member, as the class in St. Maurice and Three Rivers, which lost one of their representatives. That was the plan adopted in the Province of Quebec. In the Province of Ontario a group of constituencies, most of which were considerably below the unit, were so subdivided as to extract from them two members who were allotted respectively to Toronto and Algoma. With very trifling exceptions these two classes of changes embody all the changes made by the Bill. Of course, it was necessary to reduce the representation in New Brunswick and

Nova Scotia, and that was done by joining two districts in Nova Scotia, the county of Queen's and the county of Shelburne, and in the Province of New Brunswick by making a change in the city and county of St. John, and by joining the county of Sunbury and the county of Queen's. In Prince Edward Island a member was lost.

Hon. Mr. SCOTT—By the exodus ?

Hon. Sir JOHN CALDWELL ABBOTT—By the result of the census, and there was more difficulty in arriving at the distribution of Prince Edward Island, because that island is divided into three counties, and by the existing law each county had two representatives. It was necessary to divide the island up, inasmuch as its representatives are reduced to an odd number ; and as fair a disposition of the territory and population was made as the Government were able to make. In the Province of Manitoba there was an increase, and a division which seems to meet with universal approbation was made in that province. In British Columbia there was a redistribution which closed up one very small electoral district by annexing two together—Yale and Cariboo—and dividing the electoral district of New Westminster into two districts, thus making a more equitable distribution of the population, though of course in a country like that it is impossible in any respect to be guided by the size of the territory. There is really only one subject in the Bill which appears to be still made the object of controversy. The greater part of the Bill, as it now stands, I think, is practically accepted. There were certain amendments made to the Bill as introduced. The Government in bringing down their Bill announced their intention of considering any suggestion that might be made with regard to it, and of adopting such of them as appeared to be just and proper ; and they carried out that intention, as expressed when they introduced the Bill, by making several alterations in the measure at the suggestion either of their own friends or their opponents, as the case might be, without distinction, when they became convinced of their propriety. So that in reality the Bill remains merely a means of readjusting the few abnormal increases of population which existed in the Province of Quebec and Province of Ontario. And it provides, in a manner which, I think, is pretty generally considered an equitable and proper manner, for the redistribution which had to be made in British Columbia, in Manitoba, New Brunswick, Nova Scotia and Prince Edward Island, in consequence of changes, in some instances increases, in some instances decreases, in the proportion of those populations, as shown by the census. In Montreal there has been some feeling, I understand, with regard to the distribution that is made there. It is contended that Montreal should have been so arranged as to give an additional English speaking member to that city. The population of the city, as I have just mentioned, amounts to about two hundred thousand people in round numbers. Of these two hundred thousand people, about one hundred and twenty thousand—that is excluding those who had previously been annexed to outlying districts—are of French extraction. Of all other races in the city, not only those who speak the English language habitually, but German, Spanish, Italians, &c.—of the former of whom there is a large and respectable population in Montreal—the total number is about eighty thousand people. As, by the present arrangement, the city is to have five representatives, the total population being two hundred thousand, it appears to indicate a representation of one member to each forty thousand persons. And singularly enough, the division of the French, and of all the other nationalities put together, makes as nearly as possible three constituencies, representing the French population of Montreal, and two constituencies representing the people of other nationalities in the city. In other words, those who are comprised under the head of "all other nations" amount to eighty thousand people, and they have two representatives. The people who are of French extraction in the city amount to one hundred and twenty thousand, and they have three representatives, which is a division into constituencies of forty thousand each, of which each section of the city (calling the population of French extraction one section and the population of other extractions another section) has exactly the representation which its proportion of population demands. It has been urged by those who object to this arrangement in the city of Montreal that the English population of the Island of Montreal has increased, and by its number, as compared with the entire French population of the island is entitled to another English member. Well, I am not quite prepared to admit that proposition. I think that the popu-

lation of French Canadian extraction has increased at least as rapidly during the last ten years on the island of Montreal as the English population. But, assuming for a moment that in the outlying portions of the island outside of the city a certain increase of English population has become mingled with the people there of French extraction, unless the population in the constituencies outside of the city is able to return a member in some constituency, it is not in the power of Parliament or the Government—I should not say it is not within the power of Parliament, because everything almost is within the power of Parliament—but is not within the proper jurisdiction of Parliament to give such a minority a representative. That is not the system, at least, on which our representation has been based. If there happens to be a certain number of English people scattered among the French population of those three or four counties which form the remainder of the island, it is impossible for the Government to propose, and I think it would be injudicious, and inexpedient, and improper, if I may say so, for Parliament to exact that the deficiency of representation which these persons suffer from, in consequence of being a minority in each county, should be remedied by taking a large constituency, composed, to the extent of three-fifths, of French Canadians, and instead of giving the French Canadians of that constituency their legitimate share of its representation—that is to say, three-fifths—giving the English minority one-half the representation. In other words, what is proposed is, that in order to remedy the want of representation, as it is said, of the people of English extraction who reside outside of the city of Montreal, on the island of Montreal, we shall give them another member in the city of Montreal. Well, what would be the result of that? In the city of Montreal, which is divided into five constituencies, the people of which have a right to their representation, we should be giving one hundred and twenty thousand French Canadians only two representatives, while we should be giving eighty thousand people of other extraction three representatives. What justice would there be in an arrangement of that description? I do not see any. The gentlemen who addressed us on this subject say that the greater part of the trade of the island—the greater part of its enterprise and wealth—belongs to the English-speaking population. I do not know whether that is so or not, but if it were so, could any Government come and say to a portion of the people, who have just as much right in the country to a representation as another portion of its people, "You are not so wise, or clever, or rich as this other section, and therefore we are going to give this other section three representatives for eighty thousand, while you shall have only two for a hundred and twenty thousand people." Such a proposition it would be impossible to broach, and impossible to carry, if I judge righty of the good faith and sense of justice of the representatives of the people in this Parliament. That, however, is precisely the grievance which many good and most highly esteemed and respectable friends of the Government have given expression to in the island and city of Montreal; and I know that not only the Government, but gentlemen who are interested in the representation of the city of Montreal, have been found fault with for not producing a state of things which I think would be a very great injustice. I observe the name of the member for Montreal Centre mentioned frequently in the papers as having neglected his duty in this respect, whereas, in point of fact, I can testify that the hon. gentleman waited several times on me and other members of the Cabinet with reference to this distribution of seats in Montreal, and we went carefully over the figures and the circumstances of the population with a view to ascertain what would really be a just and proper distribution of the representation in this instance. I need hardly say that although my French Canadian friends of the Province of Quebec and I have always acted with the utmost harmony, I am proud to say, I should not like to see my fellow citizens of English origin denied their fair share of representation. I say most distinctly that I should consider it my duty to use all the influence I possess to get for my fellow citizens of the same origin as myself their full share of representation in the Province of Quebec or any other province of the Dominion; but I see nothing calling on me, as an English-speaking citizen of the Province of Quebec, to urge or ask that my fellow citizens of the same origin should have more than their due representation. And I think the gentleman who has been censured by the newspapers, and those who take the same view, have been actuated by precisely the

same feeling as myself. If they could have appealed with justice and with fairness to all classes, that there should be a larger English representation arranged for in Montreal, they would have done so, but like myself, on examination of the census and of the comparative numbers of the population of different nationalities in Montreal, they became convinced, as I did, that no more equitable or fairer distribution of representation in that city could be made than that which this Bill contains. I do not know that I need trouble the House with any further remarks on the Bill. I move the second reading.

Hon. Mr. KAULBACH — Being probably more familiar with Montreal than any other centre of population outside of the little town from which I come, and knowing a great deal of the people and institutions of that place, and having read the memorial addressed to the Senate, I feel that the leader of this House, having been honoured by the city of Montreal with the highest gift bestowed on any gentleman, has acted in this instance on a fixed principle. It is impossble to adopt any principle that will not work injustice, and produce an ill effect in some direction, and it may be that in this instance the English speaking minority will not receive by the readjustment under this Bill the same proportion of representation as they have had hitherto. I do not look on it in the way that my hon. friend has done, however, that any tongue should be recognized except English and French. I think the division should be made on that basis. No doubt the present proportion of representation corresponds with the population of the province, but what is contended is that although the representation of Montreal is increased, the present English representation remains unchanged, and that the increase will be entirely in French representation. That is the contention of the gentlemen who have addressed us ; whether it is so or not I am not prepared to say. If it should have the effect mentioned, then those who are not of French extraction would not have fair representation. We know well the position of the English speaking population of Montreal. Its numerical strength, its influence, its wealth, which is of great importance, would not be represented if the result of this Bill should be to give it only two members. I am not prepared to judge what the result would be, but we must all admit that the English speaking population of Montreal is of great importance. A large amount of the trade and commerce of Montreal—I believe the larger proportion of it—is in their hands. The representation of that important tongue in Parliament deserves serious consideration. However, after the remarks of my hon. friend, and knowing, as he does, Montreal so thoroughly, no doubt he has endeavoured to frame this Bill so that it will do justice to all parties. It is impossibe, as I said before, to act on any principle without running counter to some other principle, and of necessity doing a certain amount of injustice.

Hon. Mr. MILLER—There is one fact—if it be a fact—and it might perhaps be well added to the remarks which fell from the leader of the House, and which is, I think, an answer to the statement made by the hon. member from Lunenburg in reference to the division in the Province of Quebec, and it is this : that as the representation is adjusted in that province it stands, taking the whole province into consideration, pretty much as it did before, giving the same representation comparatively to the French and English elements. It must be considered that in order to get the additional representation for Montreal it was necessary to take away representation from other portions of the province, and this representation was taken away from the French counties. It was, I understand, with a view of keeping up the proportion, which was fair enough, before this Bill in regard to the different nationalities as a whole in the Province of Quebec (in addition to the arguments used by the Premier), that the French members taken away from the French constituencies outside of Montreal were fairly given to French constituencies inside of Montreal. It is very satisfactory to know that in this respect the English speaking population in the whole Province have nothing at all to complain of in regard to the redistribution, because it retains to them the full number, if not a little more——

Hon. Sir JOHN CALDWELL ABBOTT—One more.

Hon. Mr. MILLER—Taken on the whole, the English speaking population of the Province of Quebec has one more representative than it is entitled to in comparison with the French population. I

think that is a very important consideration, and if any inducement were required, in addition to the strong reasons given by the leader of the House, would, I think, be sufficient to justify the Government in giving the increased representation to the city of Montreal in the way they did.

Hon. Mr. PERLEY—I should like to ask why the North-West Territories are not mentioned in this Bill at all? I notice in the first clause that provision is made for two hundred and thirteen members, whilst adding together the provinces of eastern and western Canada there are only two hundred and nine members, so that some district with four members has been omitted. I should also like to ask the Premier whether, in view of the rapid increase of population in the North-West Territories, provision is made for giving increased representation to that part of the Dominion before another election? I think the wealth of that North-West country even to-day, in proportion to representation in the House of Commons, is greater than perhaps that of any other portion of Canada, with the exception of Montreal and Toronto. Taking the rural districts of Canada, I think I am safe in saying that the North-West Territories have greater wealth in proportion to representation than any other part of the Dominion.

An hon. MEMBER—They cost more.

Hon. Mr. PERLEY—No; I do not think they do, and the sooner hon. members disabuse their minds of that idea the better it will be for themselves and the Dominion. Owing to the vast extent of that country I think we should be granted increased representation at the earliest possible moment. I know in the two years that I represented Alberta in the House of Commons, although we had three weeks longer time to appeal to our constituents than in the older parts of Canada, I was unable to visit thirteen polling places, owing to the vast extent of the territory. I think that area should have some consideration in a matter of this kind. The Territory of Alberta is as large as Ontario, or possibly larger, and it is impossible to go over such a large area, or for one member to represent it properly. The same remark applies to Assiniboia and Saskatchewan. However, my reason for rising now is to ask the Premier why this omission of the North-West Territories is made, and whether the representation of that part of the Dominion can be increased before the next election.

Hon. Sir JOHN CALDWELL ABBOTT—In answer to my hon. friend, I propose to ask the House in Committee of the Whole to insert the words, "North-West Territories, four members." It is a clerical error, and it is a clerical amendment which I shall ask the House to make. With reference to my hon. friend's other proposition as to the possibility of readjusting the representation of the North-West Territories, it is quite possible for Parliament to do it at any time, but representation is always based on population and the extent of the territory really cannot bear upon it, though it may to some extent modify the effect of the representation which may be adopted, and in fact it does, at this moment, give to some of the districts of the North-West representation out of proportion to what the rest of the Dominion has.

Hon. Mr. MacINNES (Burlington)—I wish to make a few observations in reference to the representation of Montreal. I happen to be an old constituent of the member of Montreal Centre, and he consulted me with reference to the distribution provided for under the original Bill, and in justice to that gentleman, as I see he has been very much criticised for not doing more for Montreal than he has done, I have this to say, that he drafted a very able memorial to the Government advocating his own view of the representation. He also requested me to use whatever influence I possessed with the Government, and to address a note to them to advocate his view of the matter; so, in justice to the hon. gentleman from Montreal Centre, I think the explanation ought to be made that he used every legitimate exertion to meet the views of those who were at the time discontented with the representation of the city of Montreal. But it appears to me that if the lucid explanations which have been made in this House were placed before the people of Montreal as they have been placed before us here to-day they would feel perfectly satisfied that what has been done is best for the city of Montreal.

Hon. Mr. MURPHY—I desire to say a few words very briefly on the matter under discussion. I refer to the divisions of Montreal.

Hon. Mr. POWER—I rise to a question of order. I think that these discussions as to particular districts would come up more properly in committee.

Hon. Mr. MURPHY—If that is the rule, I bow to it of course, but as several speakers have already taken part in this debate I do not see why I should be debarred.

Hon. Mr. MILLER—The discussion is quite in order, because the principle of the Bill is involved in every one of those divisions.

Hon. Mr. MURPHY—If hon. gentlemen will give me a hearing for a very brief time I desire to say a few words on this matter. I desire it because I represent the Victoria division, and a good deal of this discusson has arisen in reference to the representation of Montreal. I desire to do it, because as an old Montrealer I am practically acquainted with the whole lie of the city. I have a few figures which I will submit to you, though I think it is hardly necessary that I should say a word after the very clear exposition given by the Premier and other hon. gentlemen, but for the fact that it is expected from me. However, I am glad of this opportunity to say, first, that not one of the English newspapers of Montreal, to my knowledge, found fault with the measure as it affects the city until it had passed its second reading. They criticised it most severely on points having reference to Ontario constituencies, and some parts of Quebec; but not one word was urged against the redistribution of the city of Montreal as now carried out. It is strange the statement of the Conservative club having been made public. Neither the Prime Minister, who has filled his office so well for the country at large, and who represents the Protestant minority in Quebec, nor any of the Protestant Ministers, of whom there are seven in the Government, nor the two French-Canadian Ministers, who are in so large a measure responsible for this legislation, have had a word said against them in the matter; neither has any fault been found with that most efficient representative of the city of Montreal, Sir Donald Smith; but all the venomous attacks have been directed against the representative for Montreal Centre, my friend, Mr. Curran, thus showing that personal animosity and not the public good is at the bottom of these attacks. The city of Montreal has about three French-Canadian citizens for two English-speaking citizens—that is, the Catholic and Protestant English-speaking element combined are only equal to about one-third of the French population. It could not in reason be expected that whilst the English-speaking element would have three members the French Canadians, who are about as three to two, would be satisfied with two. The two English-speaking members, always allowed to the English-speaking element, will still be returned by them under this Bill. It is important to know that the English representatives in the country districts will not be diminished, although the French increase has been so great that in many of the districts, such as Chateauguay, Shefford, Missisquoi, Sherbroke and elsewhere, Protestant gentlemen are returned through the spirit of fair play of the French-Canadians. I offer here a small table of figures, to show how the matter stands:

French-speaking and English-speaking people in the following districts:—

	1871.		1891.	
	French-speaking.	English-speaking.	French-speaking.	English-speaking.
Sherbrooke Dist.	3,537	4,979	8,672	7,416
do Town	2,252	2,180	6,342	3,755
Pontiac	3,441	12,369	6,663	15,421
Ottawa	21,483	17,146	42,285	21,275
Argenteuil	3,898	8,908	5,951	9,207
Huntingdon	4,924	11,380	4,489	9,896
Missisquoi	7,113	9,809	9,337	9,212
Brome	3,469	10,288	4,839	9,870
Shefford	12,663	6,414	17,888	5,375
Stanstead	3,204	9,934	6,933	11,134
Compton	3,783	9,882	10,335	12,444
Richmond and Wolfe	11,220	8,816	22,068	9,279
Megantic	12,067	6,812	16,631	5,602
Montreal	56,577	50,648	109,990	72,705

There is another consideration which the Government could not well ignore in apportioning the representation of Montreal. I refer to the equalities of population within the divisions. As proposed to be constituted, the new divisions will contain the following number of electors:—

	No. of Voters.
St. Ann's	7,854
St. Antoine	8,127
St. James	8,535
St. Mary's	7,458
St. Lawrence and St. Louis	9,190

There is, it will be observed, a fair equality of electoral strength in the proposed agreement, which does not in any way break in upon the municipal boundaries of the wards; an equality which could not have been made had the desire for another English-speaking division been complied with. I sincerely regret that the Conservative clubs of Montreal did not take the advice of the Premier and refrain from publishing their memorials. It is indeed very much to be regretted that the commerce and great financial interests generally of Montreal cannot get larger representation; but it would be a very bad way to secure it to dispossess the rural districts of any of their members; and the publication of such memorials always has a tendency to create bad blood in a mixed community. If the question cannot be settled quietly between the best minds, it cannot be settled by publication of claims, which must be ignored in this country when the underlying principle of our government is that the majority must rule. I have lived amongst my French Canadian citizens since I was a child, and I am practically a Canadian, though not born in this country; but I know the spirit of the people very well, and when I see that many of the constituencies that I refer to have English-speaking members, although the French Canadians are in a majority, I think they should get the credit for it, and get all they are entitled to.

Hon. Mr. SCOTT—The leader of the Government in submitting the present Bill for the consideration of this chamber on its second reading, pleaded very properly that this Bill more particularly belonged to the House of Commons—that it specially affected that House, as it is in that body the representation of the people is given in Parliament. The fair and natural inference to be adduced from the observations made by the Premier was that this chamber ought not to disturb a Bill of this character. I quite agree, to a very great extent, with that remark. This chamber, however, has not always been so sensitive of the rights and privileges of the House of Commons to say upon what principle the representation of that chamber should be based. The only opportunity that the Liberal party ever had to have a voice in reference to the representation in the House of Commons was during the period from 1873 to 1878. The very slight gerrymander, the only one that occurred, I believe, in the distribution of seats in 1872, was made in the county of Huron. The House of Commons endeavoured to rearrange that constituency, and by a very large vote of that House a Bill was carried directing that the township of Tuckersmith that had been interjected into the southern riding should be put back into its place. This chamber, non-political, and non-partizan in its character, remembered that its friends were in the minority in the other House, and they in their wisdom undertook to negative the views and opinions expressed in the House of Commons on that occasion.

Hon. Mr. McCALLUM—That was a righteous act of the Senate.

Hon. Mr. SCOTT—I dare say it was, from the hon. gentleman's standpoint. His view of a righteous act is that this country shall be so divided that the minority shall rule. That is the principle on which he and others of his friends think the country should be represented; otherwise Parliament would have adopted the fair and just principle upon which the representation should be based by leaving it to a tribunal outside of political influence. We are in the habit of quoting precedents from England, and I know very well that this question of redistribution comes up periodically; and at a very recent period, in 1884, I think it was, a very large number of seats had to be rearranged in consequence of the extension of the franchise to a larger number of persons, and from 80 to 100 seats were made, yet that Bill received the almost unanimous consent of the House of Commons. There was no difference of opinion between the two political parties. The leaders on each side met, and where they could not agree they referred the point to experts and they settled it. It was practically settled without any long debate in the House of Commons. It was between Mr. Gladstone on the one side, he being leader of the Government at the time, and I am not sure but it was Lord Salisbury on the other side—at all events, it was the leader of the Opposition. They had no difficulty in coming to an arrangement. They always followed fair lines upon which the representation should be based. It is to be regretted that in this country we have departed from British precedent in that regard, and the effect is to see in this chamber a very large

body of political gentlemen drawn from one side, and at least one-half of the population with a very limited representation, not alone in this chamber, but in the House of Commons. If the figures were analyzed it would be admitted that in Ontario political parties are pretty equally divided, but the representation in the House of Commons is by no means equal, the governing power having a very large proportion of the representation. When this principle of gerrymander was first introduced it rather shocked the minds of most people. The dominant party were not themselves quite so callous to the influence of public opinion as they have since become, and in the Distribution Act of 1872, although it became necessary to give to the Province of Ontario six members, there was no carving or cutting up of the constituencies to do it. Ontario was given six members.

Hon. Mr. CLEMOW—Was that the Ontario Act ?

Hon. Mr. SCOTT—No ; I am reading from the Dominion Act. It was governed by the principle laid down by Sir John himself that county lines should be observed. In 1872 it was necessary, as I said, to give Ontario six members. How many counties had to be disturbed to give them that number ? Only ten. One member was given to Toronto, one to Hamilton, and one to Ottawa ; one to Huron, one to Grey and one to Algoma. There was no disturbance of the old recognized county boundaries. The only gerrymander was in the county of Huron, where an obnoxious member was to be got rid of, and Tuckersmith township was taken from the place where it was interjected and did not belong, and when the House of Commons undertook to place it where it naturally belonged the Senate rejected it. It is well to get the opinion of Sir John Macdonald on this important question. I have in my hand the *Debates* of the House of Commons in 1872 when this Redistribution Bill was first introduced. In that debate Sir John Macdonald said :

"With respect to rural constituencies, the desire of the Government has been to preserve the representation for counties and sub-divisions of counties as much as possible. It is considered objectionable to make re-representation a mere geographical term. (Hear, hear). It is desired as much as possible to keep the representation within the county, so that each county that is a municipality of Ontario should be represented, and if it becomes large enough that it should be divided into ridings—that principle is carried out in the suggestions I am about to make. That rule was broken in 1867 in three constituencies, viz., Bothwell, Cardwell and Monck ; and I do not think on the whole that the experiment has proved a successful one."

That was the opinion of Sir John Macdonald in 1872. He further goes on :

"But it is obvious that there is a great advantage in having counties elect men whom they know. Our municipal system gives an admirable opportunity to constituencies to select men for their deserts. We all know the process which happily goes on in western Canada. A young man in a county commences his public life by being elected by the neighbours who know him to the township council. If he shows himself possessed of administrative ability he is made reeve or deputy reeve of his county. He becomes a member of the county council, and as his experience increases and his character and abilities become known he is selected by his people as their representative in Parliament. It is, I think, a grand system that the people of Canada should have the opportunity of choosing for political promotion the men in whom they have most confidence and of whose abilities they are fully assured. All that great advantage is lost by cutting off a portion of two several counties and adding them together for electoral purposes only. Those promotions so cut off have no common interest ; they do not meet together, and they have no common feeling, except that once in five years they go to the polls in their own township to vote for a man who may be known in one section and not in another. This tends towards the introduction and development of the American system of caucusses, by which wire-pullers take adventurers for their political ability only and not from any personal respect for them. So that as much as possible, from any point of view, it is advisable that counties should refuse men whom they do not know, and when the representation is increased it should be by subdividing the counties into ridings."

He goes on to describe the advantages of that system and compares it with the system prevailing in the United States, which he unfortunately deplores, and under which a constituency is carved and cut up in order that the dominant party may be in the future masters of the country. Sir Charles Tupper speaks on the same lines with regard to constituencies. That was the position in 1872, where a very slight disturbance took place, although six additional members had to be given to the Province of Ontario. In the other provinces, Nova Scotia was given two and New Brunswick one member, and the

disturbance was just in the same way—they were given an additional member to particular counties. In 1873 the Liberal party came into power and, no doubt, from the standpoint of some hon. gentlemen, that was a great misfortune; and when the upheaval took place again in 1878, under the National Policy cry, and the Conservative party came back to power, they thought they would make things safe for the future; and so there was a Bill introduced in 1882, which I do not propose to discuss but simply to call attention to, in which, taking a portion of Ontario, because that was where the principal change was made, it had to be given four additional representatives. In order to give these four additional representatives the Government—because practically it was the Government, for it was a Government measure—decided that no less than fifty-three constituencies had to be turned topsy-turvy in order that these four seats could be given. The principles laid down in 1872 were entirely departed from and ignored, and the country was carved and cut up just in such a way that the minority were, in many instances, elected in lieu of the majority. In Quebec there were only four changes made; the legitimate boundaries were not disturbed. In New Brunswick and Nova Scotia there were no changes. In reference to the Distribution Act of 1882, we know that independent men and the independent press and fair-minded men have strongly expressed the opinion that it was unjust to one of the great political parties, and we recently had a declaration by a gentleman holding a very high position in that party who asked forgiveness for the offence he had committed on his fellow citizens by being a party to the Act of 1882. I read the hon. gentleman's recantation, in which he expressed his sorrow at being a party to such a political crime as the Act of 1882. Hon. gentlemen may smile. They are the masters now, and they do just as they please in reference to these matters, but if you consult the independent press of this country you will find that it does not approve of the Redistribution Act of 1882, or the lines on which it was constructed. It never would have been constructed on that basis if it had been referred to an impartial tribunal. Now we come down to the Redistribution Bill of the present year. It says in the preamble:

"And whereas, by reason thereof and of the existence of great inequalities in the respective populations of certain electoral districts in the other provinces of Canada, it is expedient to readjust the boundaries of certain electoral districts."

That is a very fair proposition. No hon. gentleman could object to that; but does this Bill carry that proposition out? I deny that it does. The leader of the Government naturally, as it was his duty to do, approved of this Bill. I am satisfied that he had nothing to do with the drafting of the Bill, for I am very sure he never would have placed one of the great parties in this country under the serious disadvantage that even this modified Bill does, as you will see when I call attention to some of the minor terms of it. There is no doubt an occasion of this kind affords an opportunity for carving and cutting up the constituencies in order that they may suit the gentlemen who represent them, and give them safe seats in the other Chamber. It is a pretty natural feeling, and hard to resist. I will not say that any political party, Grit or Tory, if the public feeling becomes callous to a thing of that kind, would be so superior as not to endeavour to better its future prospects, as all parties naturally wish to do. There is an opportunity given, and I know human nature is weak, and when the opportunity exists to do wrong, if it is in the interests of a particular party, that particular party is very likely to follow on the lines that will bring about the success that it desires. The Conservative party had the opportunity in this instance to commit a grave wrong, and it did it in order that many of its members should obtain safe seats in the future. The Premier has adverted to the fact that a good many amendments were made in the House of Commons. There is no doubt that the draft of the Bill has greatly improved, and the Government deserve credit, to that extent, for giving way under the pressure of public opinion. And where were the changes made? They were made in the closest proximity to where we now stand. And how were they made? Under great pressure of crowds. The adjoining constituency of Russell had been gerrymandered in order to exclude Mr. Edwards from Parliament by taking away Clarence from that constituency. What did the people of Clarence say? They said: "We are not going to be taken out of the county of Russell and interjected into

Prescott," and they came here five or six hundred strong and swarmed around these buildings and insisted on seeing the members of the Government, and the Government listened to their appeal, and Parliament was obliged to drop that part of the gerrymander, and Russell was not disturbed. It was not necessary to do it except to hive the Grits of the county with those of Prescott. There was the motive. If Russell and Prescott had been five hundred miles away from Ottawa, do you suppose the change would have been brought about ?

Hon. Sir JOHN CALDWELL ABBOTT—Not very likely.

Hon. Mr. SCOTT—Where did the changes occur ? The county of Ottawa was cut up, as we all know, by a line parallel to the River Ottawa. The people rebelled against it. Crowds in the county of Ottawa came down, and leading men objected to it, and the Government listened to their appeal.

Hon. Sir JOHN CALDWELL ABBOTT—Hear, hear.

Hon. Mr. SCOTT—The hon. gentleman says "Hear, hear." It happened near their homes, where people could be heard. But can people be heard when they are five hundred miles away from Ottawa, and when their complaint is set before Parliament by a representative whose views cannot prevail with the Government ? In such cases the petition of the people is not heard. The hon. gentleman says that the effect of this Bill is not to gerrymander people out of their representation ; but it has been proved over and over again that that has been the actual result. If this Bill proceeded upon the terms that the preamble recites—that it is to remove the great inequalities that exist—naturally you would have sought to make changes where these inequalities did exist ; but that has not been the case at all. In giving the additional members to Toronto, Algoma and Nipissing it has not been at all on these lines. It has been largely on lines to cut out constituencies represented by Liberal members. I will give you an illustration of it. Take the county of North Bruce. I may say here that what is known as the unit—that is, the figure on which a fair number of people would be entitled to a member—is 22,900 under the British North America Act. If the unit is over 500 then it goes into the next figure ; therefore, for all purposes 23,000 is what is called the unit, and the representation is based on one member for every 23,000 persons. Take the county of Bruce : North Bruce has a population of 22,521 ; West Bruce has a population of 20,718. Now, they are not very far from the unit, either of them. However, it became necessary to interject into West Bruce, which is a Liberal constituency, with a Liberal majority of about 900, a slice from another riding. There was a Liberal municipality known as Port Elgin in North Bruce, giving a Liberal majority of 88, and that is taken out of North Bruce and put where it can do no harm, in West Bruce, making the Liberal majority of West Bruce under the gerrymander 1,018. The Liberals are safe there ; and what is the result ? While North Bruce formerly stood at 22,531, and West Bruce at 20,872, the figures are now reversed. West Bruce now stands at 22,300, and North Bruce at 20,872. There could be only one object in making that change. In North Bruce the majority for the Tory candidate was only 30, and in order to get rid of the Grits who are in Port Elgin they were safely transferred into West Bruce where they could do no harm, for there already the Grit majority was nearly one thousand ; so, in that way, North Bruce has been made practically safe for the Conservative party. The Liberal majority of the three ridings of Bruce is estimated at 930, yet it elects two Conservatives and one Liberal. Is that fair ? By the transference of one municipality to another riding two seats are secured for the Conservative party where the representation, if fairly divided, would give two representatives in that county for the Liberal party. North Wentworth has been for a long time represented by a Liberal and that constituency has been re-arranged with one of the Brants, and the effect has been to cut out a Liberal member who represents that county. The county of Brant, speaking from memory, has a very large majority of Liberals, and the Liberals in the county of North Wentworth have been cut out and added to Brant. That would be all very well if it was one of the municipalities so far under the unit that it would be only fair to abolish it ; but I find on looking at the census that the smallest constituencies, those which ought to have been united, and where naturally the constituencies are the smallest,

there the union ought to have taken place. If any representation is to be abolished it ought to be in these constituencies that are so far under the unit that it takes two ridings to elect one member. In Frontenac the population is only 13,400 ; in Leeds and Grenville, 13,500 ; in South Grenville, 12,000 ; and yet these are all left. There is no disturbance there. In Lennox, 14,000 ; North Victoria, 15,000 ; West Peterborough, 15,000, and so on. The fair way would be to take South Grenville, Leeds and Grenville, and add them together, and take away the representation from one of these ridings. That would be to throw them back to the original county lines, and give the representation to which it is entitled. That did not suit, however, because that would be taking a Conservative member out of the House, and that was a policy that could not be recommended. Now, in Prince Edward Island one member had to be taken away from the province. The population of the different counties was as follows : Kings, 26,000 ; Prince, 36,471 ; Queen's, 45,283. It will be observed that Queen's comes very near the unit. You can divide it by two. That certainly ought not to have been disturbed. There was no justification for disturbing it. Prince had 36,000, not far below the unit—certainly not nearly as much below as counties that have been referred to in Eastern Ontario. What was the natural thing to do in that case ? Why, take away from Queen's one of the representatives it possesses. Then you do not disturb the boundaries. King's having gone down in population should lose one of its members, no matter what the consequences were. Yet, if the observations made in another place are to be relied upon, it was thought desirable that a gentleman who occupies a prominent position in the House of Commons should be legislated out of Parliament, so all three counties had to be cut up, although in Prince Edward Island for 126 years the county boundaries had not been disturbed. There had been no departure from the boundaries established at that time in all those years, and there was no necessity for doing it in this case either. I am not going into the Province of Quebec, because I am not sufficiently familiar with the lines there. Perhaps gentlemen from Quebec may do so, but if the report is to be believed there was, when the Bill was first introduced, a very considerable attempt to gerrymander in that province. I am very glad to say that public sentiment had its influence with the Government and the dominant party, and some gross errors and improprieties have been corrected in the Bill as it appears before us. I do not propose, however, to go into the question of the changes made in the Province of Quebec for the reason I have already given. I do not propose now to move any amendment to this Bill, because I feel that it is not proper that we should disturb it, only if the House thinks it proper in the interests of the future of this country, for the peace and happiness of the people who are to live after us, that some fair and just principle should be arrived at, I shall be exceedingly glad to take part in the adoption of that resolution. In countries blessed with a system of government and a population similar to ours, that principle has always prevailed. In many of the States of the neighbouring country gerrymandering cannot exist. In the State of New York the rule laid down by the constitution is that you cannot divide a county. When a county becomes entitled to additional representation by increase of population it gets it, but you cannot combine two or three together, or you cannot take certain municipalities out of one congressional district and interject them into another. In California I find that where congressional districts embrace two or more counties they cannot be separated by any intermediate territory—that is, you cannot interpose intermediate territory between those two territories. In the laying out of future districts that harmony must not be disturbed. In Wisconsin the constitution requires also that county boundaries shall be observed. I know that this rule does not exist in all the States. In the newer ones it does, because they have there before them the remarkable instances of gerrymander which exist in the Eastern States, where a party that once gets into power manages to keep in power for a long time by cutting up constituencies in order to elect their friends. And I think all men who have regard for the future of this country ought to consider whether Parliament should be subjected to this charge every ten years made against our public men, of carving up constituencies in order that their political opponents may be deprived of fair representation in Parliament. No man will say for one moment that the principle is justifiable. Hon. gentlemen who do not take the same view of the question that

I do will say that this has not been done—that it may be the effect, but that it was not the result intended. But we have to look at results here and say whether it is wise for the peace and for the future of this country that one of the great parties, coming within a fraction of one half (I might say more than half) should be deprived of representation—that every ten years it should be said that one party is loading the dice and taking advantage of the other, making arrangements so that at the next election they should be safe and control the destinies of the country. Every one who loves his country and hopes to see it prosperous in the future must feel that it would be injurious to our future welfare if that feeling should become general in Canada. We all desire that patriotism should be general in the Dominion and that every one should be proud of his country. No one can be proud of his country if he is deprived of the inalienable right to which he is entitled in the representation to Parliament, more particularly when we have a notable example on the other side of the Atlantic, where public men scorn the idea of taking an unfair advantage of their opponents. In an unimportant matter, comparatively, the holding of the election, although political feeling ran high in England in the last two months, yet so soon as the Government of the day decided upon the dissolution of Parliament, we know by the press that Lord Salisbury took Gladstone into his confidence and told him what he intended to do—that the day after the supplies were voted in Parliament the whits should be issued for the new election. All that was done in order that no opportunity should be given for a charge of foul play in the appeal to the people. They all felt that the honour of England and the Empire should be as dear to one party as the other, and that neither side should have an undue advantage, in the appeal to the people, over the other, and so it creates the strong patriotic feeling that exists there. If the sort of gerrymander embodied in this Bill is to be perpetuated in the future, it will have the effect of degrading the public life of the Dominion. No one who has any pride in the future of the Dominion—no one who has any feeling of manhood in him, would tamely submit every ten years to have the constituencies changed and euchred by foul means in order that the ruling party should continue to have the power in their hands. Hon. gentlemen may smile and think there is no justification for any such language: I look upon it from a different standpoint. I am entitled to the exercise of my judgment, and I express it clearly and frankly as I feel it. History will show that a very great mistake has been made in this country by the gerrymander of constituencies every ten years.

Hon. Mr. READ (Quinte)—It is exceedingly unfortunate that the hon. gentleman has referred to the action of this House in 1874, because we will have to trace the history of his party in that connection a little. After the census of 1871 was taken, six members had to be added to Ontario. In arranging the constituencies that were to receive the members, Toronto was to have one, Hamilton one, Ottawa one, the county of Huron one, Grey one, and the district of Muskoka one. Now it would be well for me to read the division made by the Government of Sir John Macdonald, who was in power at the time, of the county of Huron, which is the matter the hon. gentleman referred to. I must say that one reason why this House took such exception to Mr. Cameron's Bill to readjust the county of Huron was that a certain township would vote twice for a member of the House of Commons. The member for one of the Huron ridings had been elected, and his election was protested and was then before the court. He desired to have the township of Tuckersmith added to his constituency to make it a safe riding for him when the election took place afterwards. In committee, when that Bill was before the House of Commons, the Conservative Opposition were very weak at the time, and they asked that the Bill do not go into operation until after the next election, but that would not satisfy the hon. gentleman who was interested in the Bill. His election would take place before that time, and he wanted the change to take effect immediately. I will give the division as made by Sir John Macdonald, showing acreage, population and householders in each riding, and I will then give the division as made afterwards by the Bill introduced by Mr. Cameron, and which passed the House of Commons. I took an interest in the Bill in 1874, and I think it is only right that I should be heard just now. The first division was this: the north riding had two hundred and thirteen thousand acres; the south riding two hund-

red and fifty-six thousand acres ; the centre riding two hundred and fifty-three thousand acres. Now the householders were as follows: north riding, three thousand seven hundred and fifty-nine ; south riding, two thousand seven hundred and three ; centre riding, four thousand and two. Consequently, the acreage and the householders in the ridings were about alike. But the population appears to be the main point. The population in these ridings was as follows : north, 21,865 ; south, 21,512 ; centre, 22,791. Now, no more equal division could possibly be made of a county, when a new riding had to be carved out of it ; but they said it would not make it symmetrical. That was impossible ; because of the sinuosities of the coast of the county of Huron it could not be done. The township of Tuckersmith was asked to be added to the south riding. What would that mean ? The south riding would then have 299,000 acres ; the centre riding 210,000 acres—a difference of 89,000 acres. In householders the south would have 4,300, and the centre 3,400, a difference of 895 householders in the Redistribution Bill of Mr. Cameron ; and the difference in the population of the two ridings would be 6,000. When the county was divided in 1873 the ridings were equal in householders, population and acreage, or as nearly equal as possible. The iniquity of Mr. Cameron's Bill was this : that there was certain to be an election, the gentleman was about being unseated, and the township of Tuckersmith, that had given two hundred Reform votes, was, so far as the Bill went through the House of Commons, added to the south riding.

Hon. Mr. POWER—It was very iniquitous.

Hon. Mr. READ—Yes ; it was very iniquitous that people should have the right to vote twice for members of the House of Commons. This House threw out that Bill. Others were coming on, all tending in the same direction ; but the rejection of the Cameron Bill put a stop to them. I need say no more about that particular case, and I think it most unfortunate that the hon. gentleman from Ottawa referred to it at all.

Hon. Mr. McMILLAN—Have you the vote that was taken on that Bill ?

Hon. Mr. READ—Yes ; contents, 17 ; non-contents, 30.

Hon. Mr. McMILLAN—Have you the names ?

Hon. Mr. READ—I moved the six months' hoist, and the contents were 30, and the non-consents were 17, and among the latter I find the name of the hon. gentleman from Ottawa.

Hon. Mr. PROWSE—I do not intend to occupy any time in discussing this question, because it has, I think, occupied a great deal of time in another place already, and I did not anticipate that it would call forth any discussion in this Chamber. It was not my intention, nor would I have said anything on this occasion had not reference been made to the little province from which I come. I do not profess to have any particular knowledge of the divisions, or of the gerrymander as it is called, in reference to the great Province of Ontario, or even the Province of Quebec, or indeed anywhere outside of our own little province, and I tell the leader of the Opposition this fact : that if he has no greater reason for complaint in these larger provinces than in the Province of Prince Edward Island, it is only an exhibition, not only of unkindness, but of that organized hypocrisy of which we have heard so often. Prince Edward Island, at the time we entered Confederation, was divided into three ridings.

Hon. Mr. SCOTT—I think it was divided one hundred and twenty-six years ago. It was so stated in another place, and was not contradicted.

Hon. Mr. PROWSE—I am speaking of the ridings. When Confederation took place the island was divided into three ridings. These three ridings were the three counties into which Prince Edward Island was divided, and each riding was to return two members to the House of Commons. The objection we had to this arrangement was that we had only three chances in Prince Edward Island of electing any man supporting the Government of the day, and we have been in that unfortunate position time and again in days gone by, when we have not had a man from the island supporting the Government. It might happen that every man representing the island supported the Government. Many public men of the island felt it would be very much better, and safer for the interests of the island, if it were divided into six ridings in-

stead of three, so that we should have a chance of having two, three or four members supporting the Government or the Opposition, as the case might be. We would always have a friend in court, as the saying is. When we happened to lose a representative in the House of Commons it was found advisable at that time to divide the island into five ridings in place of three, because we had to have a representation of five members in place of six members. In doing that, what was the best course to take ? The discussion of this question over Prince Edward Island occupied two days in the House of Commons, and it was admitted that the three counties occupied precisely the same position, one with the other. They are about the same in area, although Queen's county has the smallest population. The population of King's county is somewhere about 26,500, of Queen's county, 40,000 odd, and Prince county 35,000 and something. Now, when this Bill was before the House of Commons it was considered advisable to divide the island into five different ridings, and the object was to make those ridings as nearly equal in population as possible. What can be unfair in reference to that ? It is said it would interfere with the county lines. What object was there in following the county lines, so far as Prince Edward Island was concerned ? We have no county councils there, no municipalities—everything is done by the Local Government, and it is only fair and just and right that the island should be divided as equally as possible into five different ridings.

Hon. Sir JOHN CALDWELL ABBOTT moved the adjournment of the debate.

The motion was agreed to.

The House adjourned at 1 o'clock.

Second Sitting.

The SPEAKER took the Chair at 3 p. m. Routine proceedings.

THE REDISTRIBUTION BILL.

DEBATE CONTINUED.

The Order of the Day having been called for resuming the debate on the motion of Sir John Caldwell Abbott, for the second reading of Bill (76) "An Act to readjust the representation in the House of Commons."

Hon. Mr. PROWSE said : Previous to the adjournment I was making a few observations in reply to the hon. gentleman from Ottawa in reference to the way in which the Redistribution Bill now before the House affected the people of Prince Edward Island. A great deal of stress has been laid by the hon. gentleman on the fact that county lines have not been adhered to in that province. So far as the island is concerned, there is no special reason why county lines should be adhered to. We have no county institutions or municipalities of any kind in Prince Edward Island, and in the long debate which took place in another place there was nothing discussed to show that the public interest would be in any way interfered with by dividing the Island into five distinct ridings, irrespective of county lines. A great deal of stress has been laid upon the fact that these county lines have been established for over 100 years. It is true. When the island was given representative government it was divided into 24 different ridings, sending 24 members to the House of Assembly in Prince Edward Island. Irrespective of population, each of the counties sent an equal number of representatives to that body—8 from Prince county, 8 from King's and 8 from Queen's county. That equality has been kept up from that time to the present, as far as these counties are concerned, and each county has had an equal representation. When the Legislative Council of Prince Edward Island was made elective the same rule was observed, with this exception, that inasmuch as Queen's county had increased in population much more than the other counties, Charlottetown, the capital of the province, was given an extra member for the Legislative Assembly. There were four from each of the counties—four from King's, four from Prince, four from Queen's, with one extra representative for Charlottetown. When the island entered Confederation the same rule was adhered to—that is, there should be six members for the whole province, two for each county. For some years, as my hon. friend knows, the island was represented in the House of Commons by six representatives, all opposed to the policy of the present Government, and at the last general election the county from which I have the honour to come returned two men to support the present Government. Now, we know very well from what has been said in another place where the policy of the Opposition would have been had they the passing

of the present Bill. They told us distinctly that they would have gerrymandered one of the representatives of King's county out of existence. They would have adhered to county lines and allowed one of the Conservatives to go by the board and continue the other counties as they are at present. Two supporters of that party from Queen's county, two supporters from King's and one supporter from Prince county would have been the result. The people of the island did not consider it was fair, and as it was considered that no person's interest would be interfered with, the best policy was to divide the island into five distinct ridings with an equal population in each riding. To show you how far that is the fact I will give you the population as it is in each of the ridings in the Bill :

"West Prince, nearly 21,000 ; East Prince, 20,723 ; West Queen's, 22,210 ; East Queen's, 23,460 ; King's county, 21,694."

The population of these several counties at the present time stands thus :

"King's county, 26,623; Queen's county, 45,575 ; Prince county, 36,470."

I might remark in passing that, very strange to say, Queen's county, the most populous, the richest county, and the county that is represented by the greatest talent of the province, is the only county in Prince Edward Island that has decreased in population in the last ten years. How do you account for that ? I will tell hon. gentlemen how I account for it : The continual and reiterating preaching of starvation and blue ruin throughout the provinces has had the effect upon that county of reducing its population, while each of the other two counties has held its own and increased a little ; and I think I may make this remark, that that same policy has done greater injury to this Dominion of ours throughout the length and breadth of it than those who preach it have any idea of. This story being reiterated in the people's ears from day to day and from year to year, they begin to feel satisfied that there must be some truth in it, and they go away and seek a better place to live in a foreign country. But what is the consequence ? We find these people come back again to make their permanent homes in this country. After the experience they have gained they know that there are no such wonderful fortunes to be made in the neighbouring republic. I have heard a good deal said about gerrymandering in Ontario by the Local Government. The statements I have heard may or may not be true, but our friends on the Opposition side say that if they are true they are not responsible for them. They make the same remark with reference to the gerrymander in Prince Edward Island. In that province a gerrymander took place which, I venture to say, has had no equal anywhere else. I will give an illustration of it : The county of King's, where I reside, for years past returned eight representatives in sympathy with the Government here, and two in opposition to the policy of this Government. The capital of the county has been sending two members to the Local Legislature for over a quarter of a century. Of late there has been a change in the Local Government, and it has been found necessary to strengthen their hands throughout the province. To do this they took lot 56 away from one electoral district, and a part of lot 55 from another electoral district, part of lot 54 from the same district and part of lot 61 and part of lot 63, and these they added to the riding of Georgetown, passing over and leaving in, between the town of Georgetown and lots 61 and 63, the whole of township 59.

Hon. Sir JOHN CALDWELL ABBOTT—Are all those isolated spots that are shown on the map in one county ?

Hon. Mr. PROWSE—All in one county ? There are four townships cut up so as to hive the Conservative party, and it is intended to have this effect—instead of returning eight members to the Local Legislature supporting the Opposition in the island, it is intended and expected to have the effect of reversing that and sending eight supporters of the Government.

Hon. Mr. POWER—Will the hon. gentleman state the population of Georgetown ?

Hon. Mr. PROWSE—I do not know what the population is, but it is not very large. What I want to ask is this : if it is necessary to increase the population of the riding of Georgetown, why pass over lot 59 and take portions of 61 and 63. I will tell the hon. gentleman why if he does not know it—it is because it was not composed of Conservatives.

Hon. Mr. POWER—I do not justify it.

Hon. Mr. PROWSE—I know that, and we

hear the same thing from other hon. gentlemen on the other side of the House.

Hon. Mr. SCOTT—The bad example of Ottawa.

Hon. Mr. PROWSE—The hon. gentleman who represents King's in the other House is the acknowledged leader of the party in Prince Edward Island, and has been for the last twelve years. He led the Government there, and left local politics to take a seat in the House of Commons here. He was succeeded by another gentleman, who is also a member of the other House. These gentlemen are the two leaders holding seats in the House to-day—the acknowledged leaders of the other party. Tell me that this gerrymander was done without their knowledge and consent! It is asking us to swallow a little too much. We have heard and read a good deal about gerrymandering a certain gentleman out of his seat in the House of Commons. Now, what is the fact? These two gentlemen who represent King's county at the present time in the House of Commons live in Charlottetown, the capital of the island. The junior member for Queen's holds a first class farm in the district that is now separated from Charlottetown, and if he represents any portion of that county he represents the country part of the district, while the senior member for Queen's represents the city section of the county. And to get a little sympathy from political friends, and political opponents as well, he says that this is done for the purpose of gerrymandering him out of his constituency—for the purpose of depriving this Parliament of the services of a very clever man. I admit that he is a very clever man, and he will get a seat in Parliament, if he wishes to obtain it, in any part of the island almost, and when we hear this whining wail of injured innocence, it is simply for the purpose of pulling the wool over the people's eyes. There is a population of 23,000 in that riding that he says he intends to run for. If he is afraid of being gerrymandered out of it why does he not take the riding that he lives in, where there is a Grit majority of some 300 or 400 votes? No; he will leave that to a weaker man than himself, because any Grit can be elected there, and will take a harder one where there is a population of 23,000, and where, according to the last return, there is a Conservative majority of only 80 votes. Now what cause has anybody to cry for two days and two nights in another place over the gerrymandering of his constituency under such circumstances? If he has the right story to tell, with his ability there is no danger; he will overcome that majority of 80 Conservative votes.

Hon. Mr. SCOTT—They are easily converted.

Hon. Mr. PROWSE—Yes; they might be by his sophistry—by this whining wail of an organized hypocrisy. Anyone who repeats this cry about the gerrymander of Prince Edward Island is simply stating what he does not know a great deal about. I repeat if there is no greater complaint to be made against this Bill, so far as it relates to other sections of the Dominion, than there is in reference to Prince Edward Island, there is no fault to be found with it.

Hon. Mr. CLEMOW—The other day I considered it my duty to place on the Paper certain questions respecting the city of Montreal; but to-day we have heard a full and fair explanation from the Premier. I was very glad to hear him, and to be assured that the fears entertained by a certain portion of the English-speaking population of the city of Montreal were not well founded. It was gratifying to me to find that no discrimination was intended against them, and therefore it is not necessary for me to continue the questions that I placed on the Paper. My hon. colleague in this House appears upon every occasion to be most anxious to excite political feeling; whether a measure is right or wrong you will always find him in hostility to the present Government. He states to-day that the Government were wrong in making these concessions with respect to the county of Russell and the county of Ottawa.

Hon. Mr. SCOTT—No; I said they were wrong in their first proposition.

Hon. Mr. CLEMOW—He stated that the Government listened to the remonstrances of his friends and yielded. When the hon. gentleman was himself in office some years ago he would not listen to an appeal, even from his own friends, and I can easily understand why he tries now to make a point against this Government for having listened to the modest protest of gentlemen who came here for the

purpose of obtaining what they considered some concession.

Hon. Mr. SCOTT—I approved of it; I said it was done under pressure from people who were interested.

Hon. Mr. CLEMOW—I understand what the hon. gentleman means. He wants to have a stab at the Government some way. I am glad to find that the Government made a concession and I am convinced that the whole country is satisfied now. Had the other party been in power does any one suppose that they would have made such a fair redistribution of the constituencies? I have not the slightest doubt that they would have gerrymandered the country in the most disgraceful manner. We can judge of what they would do by the gerrymander of Ontario by the Mowat Government. We have heard from the hon. gentleman from Prince Edward Island how the Local Government there has gerrymandered that province. He knows the people and the locality and is qualified to speak on the subject. The hon. gentleman from Prince Edward Island is satisfied with this measure, and I would prefer to take what he says to the statement of the hon. member from Ottawa. But, after all, what does this Bill amount to? It amounts to very little. I myself possibly may think that the Government went too far in making concessions. However, it is a matter altogether for their consideration. They have dealt with the measure in a fair spirit and the people are satisfied with the measure. We have deard a great deal about the Opposition going to the country on the subject. There have heard a great deal about the Opposition and we know what the effect has been. In nearly every case the Government has been sustained, and the Conservative party is stronger now in this country than it has been for years. It shows that the people have every confidence in the Government. The people know that the Government are doing what is right and proper, and the criticisms from the hon. gentleman from Ottawa simply show that he is a disappointed man and that he is "agin the Government" under all circumstances. There was a great howl against this Bill in the first place, but every grievance was listened to and very considerable concessions were made. Every objection was frankly met by the Government. How would it have been if the Opposition had had control of such a measure? We know from their past record that they would not have yielded in anything. The Opposition would have been told that the Government were perfectly capable of carrying on the affairs of the country without the assistance of outsiders. They found their mistake in that in the past, and if they ever get into power again, unless they change their views in that direction, they will soon be turned out of office. Now, as far as the county of Ottawa is concerned, I do not know myself whether the change made there is acceptable or not, and I do not know whether it will be beneficial or not to one party or the other. But there was a remonstrance made and the Government gracefully listened to it and divided the county as it is now represented in this Bill. It was also conceded that the county was too large for one representative. It was an arduous undertaking for any one man to represent such a county and the next general election will show whether the division made is a judicious one or not. As far as the county of Russell is concerned, probably the division that was proposed there may have been an extreme measure, but a good many of those people who are now considered as supporters of the Liberal party were formerly Conservative, and it may be that through feelings of gratitude to the Government they will, in the next election, return to their party allegiance, and in place of supporting a Reform candidate they will vote for the Conservative party, and be the means of reclaiming the county of Russell for the Government.

Hon. Mr. BOULTON moved—

That the Bill be referred to the Supreme Court for an expression of opinion as to its constitutionality, upon the grounds that Parliament should arrange the mode upon which the redistribution shall be made, while leaving it to experts to carry out its wishes according to clause 51 of the British North America Act.

He said: I hope in discussing this question, which hon. gentlemen will all appreciate is a very important question, that I may be able to discuss it in that judicial spirit that becomes an hon. gentleman in this House, more especially in discussing one of the constitutional questions of the country. As you are all aware, a doubt has been raised in regard to the constitutionality of the present Redistribution Bill. The doubt has been raised by

the hon. Mr. Davies, supported by Mr. McCarthy, Mr. Mills, Mr. Laurier and other members of Parliament, and the fact that a doubt has been raised makes it very desirable indeed that it should be set at rest. When eminent lawyers of their distinction, in their responsible seats in the House of Commons, say that they believe there is a doubt as to the constitutionality of the Bill as it passed in the present session of Parliament, I say that it is very desirable indeed that that doubt should be set at rest. It has come down to this House and we, as senators, have t odeal with the question in that judicial spirit that should actuate us. Our constitution is a written constitution. We have to work within certain limits. It has been derived from the Imperial Parliament, and our constitution is based upon a treaty, or a number of treaties, between the various provinces of the Dominion, who met together and agreed upon the basis upon which they would erect the Confederation of the Dominion of Canada, and in accordance with the terms of that treaty, or those various treaties of the provinces, the Imperial Parliament passed an Act and gave us our constitution. The question has been raised in the other House that our authority is supreme and that we are a sovereign power. I say there is no such thing as sovereign power *per se* and we, particularly, are not a sovereign power, although our constitution is a very elastic one. We are controlled by the Imperial Parliament. The United States, although they claim that they have one of the freest constitutions in the world, are not a sovereign power. Their power to amend their constitution is not nearly so elastic as the power we have to amend our constitution. We certainly have no power to amend our constitution by ourselves, but if we wish to amend our constitution, and apply to the Imperial Parliament for authority to amend it, if it is within the terms of the treaty that bound us together as a Confederation, the Imperial Parliament, I have not the slightest doubt, would, without hesitation, gives us the power to alter the constitution in the way we desire. That is why I say that our constitution is a very elastic one. But in the United States the power to amend the constitution is very guarded. Their constitution is also a written one, based on a number of treaties between the various States, and they incorporated in their constitution a provision that no amendment shall be made to that constitution, unless two-thirds of both Houses of Congress are agreed to submit an amendment to the people, and then when the amendment is submitted to the people three-fourths of the States of the Union have to say whether that amendment will pass or not. Now, you will see the difficulties and the safeguards that they have erected in dealing with the question of amending their constitution, and the ease with which we can bring about a change in our constitution if it is desirable. But hon. gentlemen, it is most desirable that if there is a doubt about the legality of this Bill, upon which the legal representation of the country is based—if there is any doubt about it—it is desirable before it becomes the law of the country that we should set that doubt at rest; because, supposing that this Redistribution Bill goes through in its present form, it is quite within the power of any member of Parliament to raise the point and test its constitutionality by allowing it to go to the Supreme Court and from there to the Privy Council. Suppose at the next general election that is done, and the Privy Council declares that the Redistribution Bill is not constitutional, what effect has it upon the representation of the country? Every member of Parliament that has been elected under this Redistribution Bill that is being passed here to-day will be affected, and the whole representation of the country upset. Now if we are going to be placed in that position, or if there is any chance of being placed in that position, let us before doing so ascertain the legality of the Bill we are passing.

Hon. Mr. McCALLUM—They have had twenty years to raise this question.

Hon. Mr. BOULTON—Because we did the wrong thing in 1882 there is no reason we should repeat it in 1892.

Hon. Sir JOHN CALDWELL ABBOTT—And in 1872.

Hon. Mr. BOULTON—No; because, as has been already stated, Sir John Macdonald took a very different view in 1872 from that taken in 1882. I wish to show exactly from what source I derive the views I hold in regard to the constitutionality of the Bill, and in order to do that I will go back to the discussion that took place upon this very question that we are now debating, when it was before the United provinces of Ontario and

Quebec, prior to the Act of Confederation being passed. First of all there was a meeting in Prince Edward Island. Then that was adjourned, and larger meeting was held in the Province of Quebec for the purpose of bringing about the Confederation of the Dominion of Canada. In reference to the question of redistribution, clauses 19, 22, 23, 24 of the resolutions are reported in the Confederation debate, as follows :—

CONFEDERATION OF BRITISH NORTH AMERICAN PROVINCES.

* * * * * * *

"19. Immediately after the completion of the census of 1871, and immediately after every decennial census thereafter, the representation from each section in the House of Commons shall be readjusted on the basis of population.

"22. In computing at each decennial period the number of members to which each section is entitled, no fractional parts shall be considered, unless when exceeding one-half the number entitling to a member, in which case a member shall be given for each such fractional part.

"23. The Legislature of each province shall divide such province into the proper number of constituencies, and define the boundaries of each of them.

"24. The Local Legislature of each province may, from time to time, alter the electoral districts for the purposes of representation in such Local Legislature, and distribute the representatives to which the province is entitled in such Local Legislature, in any manner such Legislature may see fit."

Now, those were the only clauses that were in the constitution as debated before the united provinces of Ontario and Quebec, and I presume by every province of the Dominion. I wish to show what the remarks of those who took part in the debate on those very points were. I will quote from the remarks of the Hon. Mr. Rose first. He is reported at page 408 of the debates of 1865 as follows :

"Mr. ROSE—And that as regards the representation in the Local Legislature, the apportionment of the electoral districts by it will be subject to veto by the General Government.

"Hon. Attorney-General CARTIER—Yes ; in case of injustice being done. (Hear, hear.)

"Mr. ROSE—I have to thank the hon. gentleman for the manner in which he has answered the questions, and for the assurances he has given on these two points—assurances which, I feel persuaded, will remove some apprehension felt in the country with regard to them. An hon. gentleman who sits near me (Mr. Francis Jones) asks me to enquire who is to change the electoral districts in Upper Canada ?

"Hon. Mr. GALT—The Parliament of Canada. (Hear, hear.)

"Mr. DUNKIN— * * * The leader of the Government, in explaining the scheme the other night, admitted that the decennial revisions of our representation districts are really not to be left to the Local Legislatures, but are to be dealt with altogether by the Federal Legislature. Till then most people, I believe, had held the contrary ; but all had admitted the text of the resolutions to be equivocal, and each person had, of course, interpreted them as he wished. * * It can hardly be denied, Mr. Speaker, that there is a good deal of practical objection to the plan of shifting representation districts, which is what this system adopts, and what the system of the United States adopted. Every ten years the representation from each province in the House of Commons is to be changed or readjusted by a rule which, for all practical purposes, is essentially the same as that of the United States. Of course we have not the little addition of the allowance for the three-fifths of the slave population which they have ; but decennially we are to take the population of the several provinces, and by rule in all essentials common to the two systems, we are to declare how many representation districts are to be allowed to each province. Now, the result of that system must be that we can have no lasting constituencies for the future House of Commons. These representation districts cannot be kept to correspond with our municipal business or registration districts, or with our districts for representation in our Provincial Legislatures. We have to have a set of special, shifting districts, for the mere purpose of electing our Federal House of Commons. I must say that this principle is not, from a British point of view, a sound one. (Hear, hear.) What we ought to do is, to try to establish in this country of ours a set of representation districts as permanent, and as closely coinciding with our territorial divisions existing for other purposes, as circumstances will allow us to have them ; subdividing or otherwise altering them, or erecting new ones, only as occasion may be found to require.

"Hon. Attorney-General CARTIER—We will do that for the local Parliaments.

"Mr. DUNKIN—Perhaps so, and perhaps not. That distinction, however, is just what I complain of. We are to change our districts for purposes of representation in the local Parliaments, if we like, but not unless we like. These subdivisions of our provinces may thus, in the main, be permanent. But for representation in the Federal Parliament we are, at each of these decennial periods, to have a general readjustment of the whole country, so as to divide each province anew into its due number of aliquot parts. This is an innovation on our usages, greatly for the worse. It goes to destroy that character of reality, convenience and stability which—if our system,

as a whole, is to have such character—had need be maintained to the utmost extent practicable, in respect of our constituencies, and of our minor territorial delimitations generally. This changing every ten years brings together electors who have not been in the habit of acting with each other. In England they do nothing of this sort; they do not change their limits lightly. The several bodies of men who send representatives to the Imperial House of Commons have the habit of so coming together as bodies not likely to be broken up. We ought to keep this as an element of our constitution, but it is carefully eliminated from it.

* * * * * * *

"For all legislative purposes we must look to have all our territorial divisions open to frequent, one might say perpetual, reconstruction; and this subject perpetually to the disturbing influences of the party warfare of the hour. The exigencies of that warfare, we may be sure, will tell; and whatever the party in the ascendant, whether in the country at large or locally, will find means in this part of our machinery for advancing its ends—means not quite of the sort to commend themselves to one's approval. (Hear, hear.) It is claimed, I know, as a merit of this scheme, that it allows a five years' term to our House of Commons, in place of the two years' term fixed for the House of Representatives."

Again referring to the question under discussion:

"I thought when I read these resolutions first, that it was, of course, the intention of their framers to adopt that system here; but we are now authoritatively told that it is not so. The General Parliament is alone to do the whole work of these re-divisions of the constituencies throughout the provinces."

These extracts show what the intention of those who were discussing this question in 1865 was in regard to the very question of redistribution that we are discussing to-day.

Hon. Mr. McCALLUM—It is very like it.

Hon. Sir JOHN CALDWELL ABBOTT—It contemplated a change in the constituencies every ten years.

Hon. Mr. BOULTON—That was the contemplation when they had the question under discussion; but you will all recollect that the various Legislatures had accepted the constitution of Canada—had adopted the resolutions that were brought before them subsequently to the Quebec conference; then a committee went home to London, and there the British North America Act was framed out of the resolutions that were placed before the Imperial authorities for the purpose, and it was that constitution that was given to us by the Imperial Parliament, under which we are working, and not the resolutions which they were discussing in the Confederation debates. It is for us to find out what changes were made in these resolutions, and what was the object of these changes. Now we come down to the sections which have been before the country and are pretty well understood.

Hon. Mr. ALLAN—Did I misunderstand the hon. gentleman, or did he intend to say that we are to look for our guidance in all these matters, not to the British North America Act, but to the views of the various gentlemen who took part in the debate before the Confederation?

Hon. Mr. BOULTON—No; I am merely drawing a distinction between what were the original views of the Government of Ontario and Quebec and the ultimate authority conferred through the medium of the London committee in counsel with the Imperial authorities. The hon. gentleman from Toronto will recollect that the Imperial Parliament had something to say in giving the constitution to every colony that has been erected under British rule, and that the Imperial Parliament, in its wisdom and great experience, dating centuries back, apparently seeing danger in the position of permitting governments unrestrained license to cut and carve to suit political or party expediency, imposed restrictions on them, and I say we have to abide by it, and it was clearly the intention of the Imperial Government, or else the committee that consulted with the Imperial Government, that had final charge of framing the resolutions as they finally passed and became law. That committee was composed of Sir John Macdonald, Sir George E. Cartier, the Hon. Wm. McDougall, the Hon. Peter Mitchell and several other leading Canadians from every province. The committee spent three months in London deliberating with the Imperial authorities, and it was the result of this deliberation that gave us the British North America Act under which we are working to-day. You do not see in the British North America Act those clauses that I read to you a moment ago, that were debated by Mr. Duncan and Mr. Rose, and which Parliament assembled at that time for the purpose of discussing. I do not see these resolutions in the British North America Act, but we see their entire

substitution, and what are the clauses referring to them ? Clause No. 40 of the Act says :

"Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall, for the purposes of the election of members to serve in the House of Commons, be divided into electoral districts as follows :"

That is simply providing that the first representation shall be based on the districts as divided at the time the provinces entered into Confederation, and that it was to remain so until Parliament otherwise provides. Then we come down to the next clause of importance, section 51, by which it became compulsory upon Parliament to provide a way. Section 51 says :

"On the completion of the census in the year one thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules :"

Hon. gentlemen will see no clause like that in the resolutions that were discussed before Parliament in 1861. You will see no such clause as that discussed. That was inserted in the British North America Act after the Houses of Parliament in the various provinces had adopted the resolutions.

Hon. Mr. MILLER—The resolutions were not adopted by any of the old provinces except by the Parliament of Canada—the Quebec resolutions—and subsequent to that a resolution was adopted by all the Houses of the old provinces agreeing to refer the question of detail in connection with the Federal union of the provinces to delegates to meet in London under the auspices of the Imperial Government and settle the question. Subsequent authority was given, after the resolutions were passed by Parliament, for a meeting of delegates in London, giving them full and ample authority to make any such changes as they thought proper, and that was the outcome of a proposition that I made myself in the Legislature of Nova Scotia, and which was accepted by the delegates from that province, and afterwards by the delegates from New Brunswick, who adopted resolutions in conformity with that arrangement, and the Parliament of Canada also passed resolutions in conformity with that same arrangement for the confirming of the resolutions of 1864.

Hon. Mr. BOULTON—We have heard from the hon. gentleman from Richmond, who may himself be styled one of the fathers of Confederation almost. He, in the Province of Nova Scotia, took an active part in the discussion of the question of federation, and he has confirmed what I have already said, that the British North America Act was framed in London under the authority of the committee that went home for the purpose of arranging the final terms and conditions upon which the provinces of Canada would be confederated, having authority from all the Legislatures giving them ample power to make any changes that they thought desirable, or that the Imperial Government thought desirable. These are the changes that were made. When they came to consult the law clerks of the Imperial Parliament, the Imperial authorities, in their wisdom and experience, saw that it was necessary to erect some safeguard to protect the Dominion from such a position as has been described to-day in this House with regard to redistribution in the Province of Ontario and the Province of Prince Edward Island and the Dominion itself—that is, to protect the people of Canada from their Governments and preserve their liberties to them and not allow their liberties to be drawn away and taken away from them by any unjust influence that may be brought about by what is termed a gerrymander. Now, hon. gentlemen, I wish to draw your attention to this same question as it has been dealt with in another portion of the British Empire. New Zealand received its constitution also from the Imperial Parliament in 1852. I will read you the clauses in the constitution that was given to New Zealand in that year. They had a central government, with a number of provinces—they were called councils in those days—very much as we have to-day in Canada. I quote from the Imperial statutes :

"'An Act to grant a representative constitution to the colony of New Zealand.' 15-16 Vic. (1852), chap. 72.

"Section 67.—It shall be lawful for the said General Assembly, by an Act or Acts, from time to time, to establish new electoral districts for the purpose of electing members of the House of Representatives, to alter the boundaries of electoral districts for the time being existing for such purposes, to alter and appoint the number of members to be chosen for such districts, to increase the whole number of members of the said House of Representatives, and to alter and regulate the ap-

pointment of returning officers, and to make provision in such manner as they may deem expedient for the issue and return of writs for the election of the members of such House, and the time and place of holding such elections, and for the determination of contested elections of such House.

"Section 68.—It shall be lawful for the said General Assembly, by any Act or Acts, to alter from time to time any provisions of this Act and any laws for the time being in force concerning the election of members of the said House of Representatives, and the qualification of electors and members; provided that every Bill for any of such purposes shall be reserved for the signification of Her Majesty's pleasure thereon, and a copy of such Bill shall be laid before both Houses of Parliament for the space of thirty days at least before Her Majesty's pleasure thereon shall be signified."

"Section 69.—It shall be lawful for the said General Assembly, by any Act or Acts, from time to time, to constitute new provinces in New Zealand, to direct and appoint the number of members of which the provincial councils thereof shall consist, and to alter the boundaries of any provinces for the time being existing, and to alter the provisions of this Act, and any laws for the time being in force respecting the election of members of the provincial councils, the powers of such councils and the distribution of the said surplus revenue between the several provinces of New Zealand; provided always that any Bill for any of the said purposes shall be reserved for the signification of Her Majesty's pleasure thereon."

In 1857 these three sections were repealed by the Imperial Act 20-21 Vic., chap. 53, section 1, entituled "An Act to amend the Act for granting a representative constitution to the colony of New Zealand." Now, you will see that clause 67 gives to the New Zealand Government exactly the same power that we are going to take ourselves in this Bill, in regard to the distribution of the various subdivisions of the electoral districts. The Imperial Act gave that power to New Zealand in 1852, and for some reason or other that I have not been able to ascertain that power was taken away from them five years afterwards. After five years' trial those particular sections were abrogated by the Act for the purpose of amending the Bill. The Act is in this book here. I wish to point out to hon. gentlemen the fact that the Government of New Zealand was given the power to alter the electoral boundaries in 1852, and that the power was taken away from them by the Imperial Act of 1857.

Hon. Mr. MACDONALD (B.C.)—It was replaced by what?

Hon. Mr. BOULTON—The New Zealand Government had to provide a way of redistributing the seats, and they do it now by a commission, very much the same as the Imperial Government, I suppose, does it to-day.

Hon. Mr. McINNES (B.C.)—Was that commission provided for by the Imperial Parliament?

Hon. Mr. BOULTON—No; that was provided for, so far as I have been able to ascertain, by the Parliament of New Zealand.

Hon. Mr. McINNES (B.C.)—Of course they got the authority from the Imperial Parliament?

Hon. Mr. BOULTON—Yes. The power to redistribute was taken away, and it was handed over to a commission. What was the intermediary legislation with regard to it I am not able to say. As a fact, the Government of New Zealand has redistributed the seats and arranged the representation by a commission. Sir Henry Dhringe is a parliamentary counsel, and he is the man I have no doubt who assisted in drafting the New Zealand constitution. He is the man I have no doubt who assisted in amending the Act, and was the means of giving the Government of New Zealand the power of redistribution in 1852, and he is the same man no doubt who assisted in drafting our constitution with the aid of the Canadian committee who went home to England with full power to secure the passage of the Imperial Act.

Hon. Mr. POWER—Sir Henry Dhringe was not appointed until 1868. He did not draw any of those Acts referred to.

Hon. Mr. LOUGHEED—Do I understand that the Imperial Parliament, without the consent of the New Zealand legislators, abrogated any of those powers?

Hon. Mr. BOULTON—I presume it was on their application.

Hon. Mr. LOUGHEED—It is not a matter of presumption—it should be a matter of history.

Hon. Mr. BOULTON—It was so long back that it is impossible to get all the details. This Act of 1852 granted a constitution to the colony of New Zealand. I have not got the other Act; it is an Act to amend that Act in which these three clauses were taken out

and also another clause affecting taxation, or something of that kind.

Hon. Mr. LOUGHEED—I think you will find it was done at the instance of the Government of New Zealand.

Hon. Mr. BOULTON—I do not say it was not, but if it was done so it only strengthens the case I am bringing before hon. gentlemen. It only shows the dangers which faced the Government and people of New Zealand in having the power of redistributing the constituencies, and if they voluntarily abandoned that power in the interests of the country it only strengthens the position I am taking.

Hon. Mr. LOUGHEED—Your position is, you are questioning the constitutionality of this particular Bill.

Hon. Mr. BOULTON—I am not attacking the constitutionality of this particular Bill, but I say in consequence of a doubt having been expressed as to the constitutionality of this Bill by five or six eminent legal men in the House of Commons, I say it is but right that the Senate should send it to the Supreme Court and find whether it is constitutional or not before it becomes law. That is what I am arguing, and at the same time taking exception to a practice which I contend has an immoral tendency. I am giving you another reference, and that is to the debate which took place in 1891 in regard to the very same question, before the Australian delegates, who met there in order to bring about the confederation of the Australian colonies in the same way that the Dominion of Canada was formed—by consultation. By agreement that constitution has not yet been decided upon, but the preliminary discussion has been held. Under part 3 of the House of Representatives, section 29 reads as follows :

"A fresh apportionment of representatives to the States shall be made after each census of the people of the Commonwealth, which shall be taken at intervals not longer than ten years ; but a fresh apportionment shall not take effect until the then next general election."

On turning to the debates on this last section we find how they protested against the danger of delay in providing the machinery for apportioning the representatives ; how such machinery was to be provided by the House of Representatives, but outside and apart from it :

Sidney, N.S.W.,
Thursday, 2nd April, 1891.

Clause 29.—(Periodical Reapportionment).

Captain RUSSELL—There is no time prescribed in this clause as to when the apportionment shall be made. I think it is necessary to prescribe the time in order to avoid confusion. The clause says after each census, but that would not suit the case, because there might be an election before the apportionment could be made. In New Zealand a date has been fixed when the apportionment shall take place.

Sir SAMUEL GRIFFITH—When it ought to be made is as soon as possible. It will probably be about a year. It might be six months. We might be able to make it in three months.

Captain RUSSELL—I think it is three months in New Zealand.

Sir SAMUEL GRIFFITH—I am certain that the returns of the census could not be got in in Australia in three months.

Sir JOHN BRAY—Who is to make the apportionment ?

Captain RUSSELL—We appoint commissioners in New Zealand.

Sir JOHN BRAY—I do not think it ought to be necessary to make a law to carry out these apportionments. It ought to be carried out in a simpler way.

Mr. CLARK—It would complicate the clause to do it.

Sir JOHN BRAY—We ought to do it. It may be that a whole session will pass before the apportionment takes place. I would ask the attention of the constitutional committee to this matter. We ought to provide that it shall be done as soon as possible after the census, and there ought to be some mode of doing it provided.

Mr. J. FORREST—There is no doubt that the smaller colonies will labour under a great disadvantage if they have to wait ten years before they get their proper representation ; in the colony which I represent we shall have a larger representation in the beginning than we are entitled to. But if the colony progresses, as we believe it will, great dissatisfaction will be expressed if we have to wait ten years before we get our proper proportion of representation. It is not likely that there will be another census throughout the empire for another ten years, so that it is rather a hard and fast line to draw. If, however, members representing the other colonies are satisfied, I am not prepared to propose an amendment.

Sir SAMUEL GRIFFITH—With reference to the suggestion of the hon. member, Sir John Bray, as to the mode of declaring the result of the census, that will be merely a ministerial function. The census will be officially taken, and will be made public. I agree that there ought to be some official mode of declaring it, and I would suggest that these words be inserted : "and shall be declared by the Governor General after each census."

Mr. BAKER—There are a few words in the American constitution which would get over the difficulty pointed out by Sir Samuel Griffith, namely, that "The convention may by proper legislation provide" for the matter. I believe that the insertion of some such words would be the best way to meet the case. Undoubtedly the Federal Parliament will have to pass a law dealing with the subject. It is one of the first things they will have to deal with. I think we had better leave the clause as it is.

Sir SAMUEL GRIFFITH—I will not move any amendment.

Clause agreed to.

Now you will see that the Bill was discussed by the convention which met in Australia. From the tone of the discussion they evidently realized that a way had to be provided to carry out the decennial redistribution of the representation—that Parliament had to provide a way, but evidently there was no contemplation that Parliament itself should do it. I have no doubt that when a similar committee goes home from Australia to arrange with the Imperial authorities for the constitution of the Australian Confederation, a way will be provided in which to redistribute the representation every ten years without sanctioning a gerrymander, so that hon. gentlemen will see that in New Zealand and in Australia both the same question has been up for consideration, the same action has been taken which was taken in 1865 by the Imperial authority in discussing with that committee. It was distinctly the intention not to carry out the ideas that those debates develop—not to carry out the intention that was evidently in the minds of the Government of the day that Parliament should have perfect power to redistribute without check, but when they got home that power was altered—that idea was taken away and this clause (51), requiring that Parliament should provide a way for redistributing, was inserted, and this is the guide by which we have to go at the present day, and Parliament should put on the statutes of Canada a permanent equitable mode to meet the requirements of section 51. It is utterly impossible for me, a layman, to say whether it is a legal point well taken or whether it is not a legal point well taken, but the legal authorities in the House of Commons were divided. The Minister of Justice met the position taken by the hon. Mr. Davies by claiming that if section 51 did not give the power to redistribute as we chose, section 91 covered the ground and gave us authority to do anything we chose. I consider that would be a very dangerous position for us to take, to say that under section 91 we can upset the constitution—the constitution that was given to us in 1867. If we have power to override section 51, which clearly requires us to do a certain thing, we have the power under section 91 to say we shall not have a Governor General.

Hon. Mr. LOUGHEED—Will my hon. friend kindly point out in section 51 anything showing that there is a doubt as to the authority of this Parliament to redistribute the representation ?

Hon. Mr. BOULTON—I told the hon. gentleman from Calgary that I was not sufficiently versed in legal matters to decide such a point. I only state that very eminent legal men, holding responsible positions as representing the people, had said so, and the fact that they had said so was quite sufficient ground for me and other laymen of this House to have the same doubt in our minds. I do not pretend to argue the matter from a legal standpoint ; I am only pointing out, step by step, what was done to give us the constitution, and what in my opinion was the intention of the various clauses in imposing that constitution upon us.

Hon. Mr. McCALLUM—The representation of Parliament is one.

Hon. Mr. BOULTON—Section 51 provides how it shall be done. Sir John Thompson claims that section 91 overrides section 51.

Hon. Mr. LOUGHEED—Will the hon. gentleman kindly point out in the debates where Sir John Thompson said section 91 overrides section 51 ; will he kindly read section 51 ?

Hon. Mr. BOULTON—Section 51 says :

"On the completion of the census, &c., the representation of the four provinces shall be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, &c."

The intention, as I believe, was that Parliament should say in what manner the representation should be distributed—whether certain interests should be protected, or what proportion the city should bear to the rural population, or whether, as in the case of Prince Edward Island, there should be two members to a county, or what number to a

county, but that permanency of system was contemplated to be provided by statute, I thoroughly believe. Parliament has the direction, but when they have stated that we shall have a basis of 25,000 as the representation, or that we shall leave the constituencies to grow and not disturb them more than is absolutely necessary to give the increased representation of each province, I say when we provided that, it should then be handed over to a commission, as it is in New Zealand, in order that it may be done perfectly impartially as between the two political parties in the country. That is what, I contend, was intended, and if there is any doubt that that is the case, no interest is going to suffer and no harm will be done by saying that the Supreme Court shall express an opinion first before we force that law on the country. Here is what Sir John Thompson says with regard to section 91 :

"Section 51 is not an enabling section, because we had the ability before ; it is not a disabling section, because certainly, before we are to conclude that it takes away from us powers which are now given to us by section 91, we must find express words that do so. If, by section 91 of the Act, we have all powers given to us in relation to passing laws for the peace, order and good government of Canada, we are not to interpret the Act, or any part of it, as taking away any fraction of that power, unless we find words which can receive no other interpretation."

Hon. Mr. LOUGHEED—He does not say it is overridden.

Hon. Mr. BOULTON—He says there that section 91 gives the power to the Government of Canada to override such a clause as 51, and probably other clauses, or as he expressed it, that we have unlimited power under section 91 to do anything we please. Now, our constitution is based on treaty rights between the provinces that combined to form Confederation.

Hon. Sir DAVID MACPHERSON — Unless the power is withdrawn in express terms.

Hon. Mr. BOULTON—I say no such power was granted to us under that constitution. Section 51 gives particular instructions in regard to the redistribution of the country. Section 91, according to the Minister of Justice, could take away those specific instructions.

Hon. Mr. MACDONALD (B.C.)—Both sections are in harmony.

Hon. Mr. BOULTON—I do not consider that they are at all. Section 40 says, "Until Parliament otherwise provides," and section 51 goes on to say how Parliament shall provide.

Hon. Mr. McCALLUM—That is what we are doing now.

Hon. Mr. BOULTON—No ; we are not doing that now—we are not providing a way ; we are doing the thing itself.

Hon. Mr. McCALLUM—When we took the census we were providing.

Hon. Mr. BOULTON — Did not the hon. member from Prince Edward Island say a few moments ago that the Government of that province was manipulating things, gerrymandering the country in order that they might keep themselves in power in defiance of the wishes of the people, whether they were fairly represented or not ?

Hon. Mr. LOUGHEED—That is the Prince Edward Island Government.

Hon. Mr. BOULTON—It is the same principle that we are now discussing.

Hon. Sir JOHN CALDWELL ABBOTT—It is absolutely expressed to the Local Governments.

Hon. Mr. BOULTON—The Local Governments have the power to alter their constitutions, and we have not. That shows the difference between the Dominion and the provinces. Canada was founded on a treaty stating the terms on which the confederation took place. The provinces have independent powers within their own domains to do anything they please, because they were units when they entered Confederation. When the Imperial authorities interpreted the treaty they surrounded it with such safeguards that the Parliament of Canada should not be able to say we shall alter the representation of the Province of Quebec, or do anything else contrary to the terms of the treaty at Confederation. The Government of Canada has no power to make laws to alter the basis of Confederation. We have to interpret the constitution and upon that constitution we have to base our legislation and by that we have to abide. I could go on and quote some of the authorities in addition to those I have mentioned that have cast a doubt on the constitutionality of the Act. First of all, I would call attention to a correspondent in

the Law Journal, signed "W," who takes the ground in support of the Government provision that they have the power to pass the Redistribution Bill in its present shape. Now that correspondent, I think it is a perfectly open secret, is the late respected law clerk of the House of Commons, Mr. Wicksteed, who was law clerk in that department for 69 years. To-day he is 92 years of age, and he is writing to the Canada Law Journal, giving his opinion, in all the brightness of his intellect, as to what he thinks was the intention with regard to the Bill. I mention this fact because it was made a proud boast by Mr. Chauncey M. Depew in St. Paul the other day that they had a veteran who was 83 years old, Colonel Dick Thompson, of Indiana, who was present at the Republican convention; but we have got a gentleman here of 92 years who is able to write on a question such as this Redistribution Bill with clearness and precision. But I suppose Mr. Wicksteed was the man who had more to do than anyone else with the framing of the original resolutions, and had better means of knowing what was intended when these resolutions were framed, because he was law clerk for 69 years, and he would probably be the very man who would assist in drafting these resolutions. At any rate he was in constant communication, I have no doubt, with the Government of the day, and he took the same view that the Government took in the debates of 1865, that I read a little while ago, but which I contend was changed when the committee went home to England. His son, Dr. Wicksteed, was also a correspondent, and he takes an opposite view—father and son taking opposite views—one from his past experience and one from the light of to-day. I got a letter also from the Hon. Mr. Macdougall. He was also one of the fathers of Confederation.

An hon. GENTLEMAN—He is a crank.

Hon. Mr. BOULTON—Well, some hon. gentlemen, I have no doubt, call me a crank also. If every man who opposes the Government is to be called a crank——

Hon. Sir JOHN CALDWELL ABBOTT—You don't believe it, though?

Hon. Mr. BOULTON—No; I do not believe it; but if I am, I am a pretty determined crank.

Hon. Mr. LOUGHEED—We will have to try and turn you!

Hon. Mr. BOULTON—The Hon. Mr. Macdougall says:—

"If it be admitted that the transaction is not absolutely null it is certainly irregular, and, in my opinion, has made a serious rupture in the very substructure of our constitution. One fact, that Parliament assumed the right to exercise this power *per se* instead of providing an authority for that purpose in 1882, does not justify a second usurpation in 1892. You have here, I think, a palpable departure from the plain text of the constitution; it ought not to go upon the Statute-book without earnest protest."

Now, hon. gentlemen, Mr. Macdougall is one of the fathers of Confederation; he is one of those who were at Quebec at the framing of these resolutions; he was one of the committee that went home to London, and was there three months with the Imperial authorities assisting in framing the British North America Act. He afterwards went to London in relation to the addition of the North-West Territories to Canada, so that there are few men who have a more intimate knowledge or acquaintance with what was done at that time, or what was the intention that was being carried out at that time, and for that reason——

Hon. Mr. McCALLUM—He was one of the members of the Government in 1872 also!

Hon. Mr. LOUGHEED—May I ask the hon. gentleman if this is the first time the Hon. Mr. Macdougall raised a protest of this kind?

Hon. Mr. BOULTON—I think it is. I think the first protest raised against the Redistribution Bill was at the time this Bill was introduced, but the protest has been made, and it is for us to say whether we shall test the constitutionality of it or not. As I said, the Parliament can decide upon the system which shall prevail in regard to the redistribution; they can say whether the electoral boundary shall be altered or shall not be altered; they can say that so many people shall be within these boundaries, but when it comes to redistribution—altering those lines—I say that this should be done by a commission, and for this reason, that although the Government may have a majority while the Parliament is sitting, when they go to the country there is no such thing as majority. We see to-day in England a general election pending. Lord

Salisbury is in power. Inside of a fortnight Gladstone may be in power, and when we are appealing to the country both sides are on a par—both sides are equal; therefore, I say the tribunal that arranges the distribution should be on a par. Sir John Thompson's opinion, and the Hon. Mr. Laurier's opinion, too, I believe, is that the rearrangement should not go outside of Parliament; and it need not go outside of Parliament in order to have a perfectly fair redistribution. It can be done by three members of the Opposition and three members of the Government, and they might appoint our Speaker as chairman, and then they would have a perfectly impartial tribunal within Parliament itself, and give confidence to the whole country in regard to the matter. But what are we doing to-day? We are passing a Bill which has been characterized by many as a gerrymander. We are taking power to ourselves, which power may grow more and more as the nation grows, and greater evil—far greater evil may accrue to the country, and to the people of the country, than has been described by the hon. gentleman from Prince Edward Island here to-day if we continued in the course that we are doing now. I say that it is a dangerous thing to allow the representatives of the people in the power of their majority to have an opportunity to so arrange the seats that they can destroy interests, or that they can create power and retain for themselves, by a manipulation of the votes of the country, as they have them represented in the voters' lists in previous elections. I say that it is a dangerous power to leave in the hands of any Government, and it is here in the Parliament of Canada that we should set an example. Here we are jointly together representing every part of Canada, representing every province of the Dominion. It is for us to set an example and the provinces will follow in our footsteps. It is quite sufficient for the provinces to say that the Dominion did it in order to justify anything before their own people in regard to this question of gerrymander. Members defend themselves in supporting a redistribution that is characterized as a gerrymander by saying that the Province of Ontario or the Province of Prince Edward Island did it, and it is considered a justification in the province if they are able to say they did it in Ottawa. Therefore, we have a high duty to perform in the Dominion Parliament to set at rest this perpetual gerrymander, not only in the Dominion, but in every province, from one end to the other. The contention is raised that the Senate should not interfere with the Commons. In fact, I see in the Montreal *Gazette* a reference to the Redistribution Bill in their Ottawa correspondence, that it is not at all likely that the Senate will interfere with it, except to vote down Senator Boulton's motion to have the Supreme Court test its constitutionality. Now, I do not think it is right that any newspaper, or any individual should assume that the Senate is going to vote down anything, or that it is going to be at the beck and call of any party. We are here perfectly independent. We have been created an independent body for a good purpose. We have been created outside the party influences that govern, and properly govern, the House of Commons, and it is for that very reason I say it is our duty to interfere, if we think there is anything in our legislation that has an immoral tendency, or a downward tendency in the growth of our national life, and it is a perfectly proper thing for us to interfere. The people appeal to us with their petitions. We have had petitions here from the Conservative associations in Montreal. I have amendments that were sent to me with regard to some other portions of the Bill, and now that the Bill has passed from the House of Commons the people will look to us, as an independent body, to see that if any inequalities have been permitted to exist in its passage through the Lower House that the Senate will protect the people in regard to them. What was the case in England in 1885, when a redistribution became necessary in consequence of the alteratibn of the franchise? What did the House of Lords say? They said to Mr. Gladstone, who was then the Premier of England, "We will not pass your Redistribution Bill until we are satisfied that there will be no inequalities, or that the interests that we are here to guard shall be properly guarded. You are invading the constituencies with two million more votes. You are creating a franchise Bill—a redistribution Bill—and before we allow that Bill to pass we want to know if it is a fair Bill." That led Mr. Gladstone to consult with Lord Salisbury, and these two gentlemen, the leader of the Government and the leader of the Opposition, united to arrange upon what they con-

sidered was a fair mode of redistributing the seats, and the House of Lords was satisfied. That is the position the House of Lords took in England ; that is the position that we should take here to-day. We do not hold such an exalted position as the British House of Lords, but in the eyes of the people of Canada we are a substitute for the House of Lords. We are created independent of the popular vote in order that our deliberations may protect—that the most careful deliberation may be had in regard to such important legislation as this Bill, the criminal code and other such measures are. The people's interests do not suffer by deliberation, and in fact in England such is the deliberation that the House of Lords forces on the Commons that sometimes ten or fifteen years elapse before a Bill becomes law that has been acceptable to the House of Commons. For that reason we should give great heed to the constitutionality of this question, and if there is any doubt in any hon. gentleman's mind that we are infringing on the constitution ; if by the passage of this Redistribution Bill we are letting in the thin edge of the wedge that may weaken the constitution so as to affect the rights of the people of Canada, probably thirty or fifty years hence, we should pause before accepting a Bill that we may regret. Before we take that step, let us take up the constitutional question and find out whether the Bill is legal, and do not put upon the members of Parliament who may be elected under it the responsibility and expense of being thrown out of their seats and running another election because the law under which they were elected was found to be unconstitutional. We have a precedent in the United States. One of the parties in a State appealed in the United States against the constitutionality of a gerrymander, and the Supreme Court of the United States threw it out. That system would have continued if action had not been taken, and it is quite possible if we appeal to the Supreme Court in regard to this Bill that the same thing may happen, and the Supreme Court will declare it to be unconstitutional. It is a great deal better for the country that we should do so. I do not suppose it is in the contemplation of the Government to appeal to the country immediately, for they have been recently supported at the polls, and therefore there is no haste. The Bill can lie over for another year, in order to let the Government test the question. I must apologize to the Senate for having detained them so long, but the importance of the question is a sufficient justification. I would add one more word, that is, with regard to public opinion on this matter. It is perfectly right that we should, to a certain extent, watch public opinion and know what public opinion is in regard to a matter of this kind, and we find that while the public press supporting the Government supports their action, we find the independent press, as well as the party press of the country opposing the Government are in favour of changing our system in regard to distribution, so as to destroy the ssibility of any future gerrymandering ; and when the Opposition take that ground they are taking a fair ground, because when they come into power themselves they become subject to the same Act, and the power is taken away from them to gerrymander also. I say when the Opposition is willing to abrogate that power and set an example to the rest of the provinces in regard to gerrymander that public opinion is very largely in favour of the Senate taking that stand. As you are all aware, a good many people think that because we do not interfere with cases of this kind often enough, we are not fulfilling the duty that we are appointed for, and I would just like to read an observation that was made during a debate in the Australian Legislature. Mr. Deacon, in discussing the formation of the Senate, whether they should have an appointed Senate or an elective Senate, said :

> " To remove any misapprehension let me say that personally I have no ambition to see a second chamber in these colonies which should be a mere replica of the Canadian Upper House, which is confessedly inadequate for the position which it occupies."

That is their conception of the position we occupy, a position that apparently induced the Australian Legislature to adopt the American system of an elective Senate instead of an appointed Senate. While I do not agree with Mr. Deacon, and while I believe that the Senate of Canada has performed very faithful services, and has performed largely the services they were intended to perform in the interests of the country, we should take a more advanced position still, like the House of Lords, and feel that there is a responsibility resting upon us—that we have a duty to perform—that the duty has been conferred upon us and that the people of the country are only too anxious for us to use that power. I

am merely asking the Government to let this Bill go before the Supreme Court, which they have perfect authority to do, in order that the constitutionality of the Act may be tested. I say that the country will not suffer, and I believe that the people will applaud the action of the Senate if they take such a step as my motion calls for.

Hon. Mr. VIDAL—Does the hon. gentleman conceive that we have the power or right to pass this motion that he proposes? And, should we pass it, have we any reason to suppose that the Supreme Court will pay the slightest attention to it? In the matter of a private Bill we can refer it to the Supreme Court for an opinion as to its constitutionality; but there is no such provision in regard to referring a public Bill, and the Supreme Court is under no obligation to pay the slightest attention to it if we refer this Bill to them.

Hon. Mr. BOULTON—Of course the Government has the power.

Hon. Mr. VIDAL—It is this House I am speaking of.

Hon. Mr. BOULTON—This House can insert a clause in the Bill, in Committee of the Whole, providing that the Act shall not go into operation until the opinion of the Supreme Court has been obtained.

Hon. Mr. VIDAL—I admit that; but it does not affect the present motion before the House.

Hon. Mr. BOULTON—I introduced my motion in this way: that the Bill be not now read the second time, but that it be referred, etc. If the opinion of the House is that the second reading should go on, I have still the reserve power of moving to insert a clause, on the second reading, providing that before the Act goes into operation the Government shall consult the Supreme Court, or consult the Privy Council for that matter, and so far as the Supreme Court refusing to assist Parliament in any way to test the constitutionality of the law, I think that they would recognize that it becomes part of their duty to assist Parliament with their legal knowledge in regard to such a matter as this. I therefore move the resolution of which I gave notice.

Hon. Mr. FLINT—I have listened with a great deal of attention to my hon. friend who has just sat down. All the remarks he has made have only tended to convince me that he is wrong, and that we are right in passing the Bill that is now before the House. When I look back over the history of this country for a great many years I have found that in every instance, from the commencement, especially as regards Ontario when it was Upper Canada, that from 1792, when they held the first Parliament in this country, that there has been from time to time an overturn of the constituencies, and they have been either enlarged or diminished, according to population. In 1792, when we had the first Parliament of Upper Canada, of course I was not in existence, but I know from what I have learned that several of the different constituencies that we now have were then banded together. For instance, Hastings and Northumberland had only one member between them. Prince Edward county, and the counties of Lennox and Addington only sent one member, and there were others in the same condition, and after a time they were divided, and then the county of Hastings sent one and Northumberland sent one, and so on. After a certain other time, probably about ten years, there was still another change, and the county of Hastings sent two, and it went on until at last the county was divided into two divisions—north and south—and each had a member; and then again it was divided into north, east and west, and there were three members, as there are at the present time. I cannot go back to dates. I might have looked them up; but owing to the peculiar complaint, la grippe, from which I have suffered, my sight has become so dim that it is almost impossible for me to read or write. Therefore, I speak from memory in reference to this information. Now we come down to Confederation, and we see that under the Confederation Act in 1872 there was a redistribution of constituencies, and in 1882 it was the same, and to-day we are preparing either to vote for the Bill that is now before the House or to do something else. The hon. gentleman from Shell River is very anxious to have the Bill go to the Supreme Court. I do not think it is the best way. He speaks of very eminent lawyers in the other House, whose opinion is that the Bill is unconstitutional; but he does not say

anything of the other eminent lawyers in the same House who hold that it is constitutional, and, certainly I do not think that we are bound to bow to the opinion of the three or four lawyers in the other House who have raised this question, but rather hold with the great number that hold the opposite view, and who are, perhaps, as competent to know what is constitutional.

An hon. GENTLEMAN—Doctors differ.

Hon. Mr. FLINT—Yes, doctors differ, but if there are fifty doctors, and twenty of them go one way and thirty the other, the thirty are apt to carry the question. As regards the Bill, I cannot see anything wrong with it. I believe it is correct. I believe it is nothing more than right and just that every ten years the constituencies should be readjusted. If they remain about as they were ten years before there is no necessity for altering them, but if some grow large, and others grow small, then there is a necessity for a redistribution, and that is the object of the present Bill. All I regret is that the Government did not bring in the Bill much earlier in the session, and I think there is blame to be laid to the Government for not doing so earlier, instead of keeping us here now when we ought to be at home. As it is here before us, however, I for one hold that I shall vote for the measure before the House, and I think no good can come of the hon. gentleman's resolution to have it delayed and sent to the Supreme Court. I think we are a court sufficient for ourselves. We have lawyers amongst us who have been on the select committee who considered this measure, and surely we have as good a right to place confidence in them as we have to place confidence in the few gentlemen who say that the Bill is unconstitutional. I do not know anything that has happened in my experience in legisation—and I commenced in 1847—that has been wrong in the representation of our country, excepting during Mr. Mackenzie's administration, when the Government brought in the Tuckersmith Bill. That measure I considered wrong. The object of that Bill was simply to add Tuckersmith, or a portion of it, to some other township, in order to secure for Malcolm Cameron a seat which he was about to lose. That Bill was justly thrown out by this House. My hon. friend from Quinte moved, I think, either a three or a six months' hoist, and I seconded it ; and I was very glad to do so, because I was satisfied that the Bill was unconstitutional, and that the whole object of it was to place a man in a seat which he was about to lose. The effect of throwing out that measure was that other such measures were stopped in the Commons that would have been brought up in the same way by gentlemen who were afraid they were going to lose their seats. They wanted a safe thing, like the old farmer who wanted all the world, and a piece outside for a potato patch. From beginning to end I have never seen and have never known any one to cavil at the redistribution, except a few persons, and in a short time it was all over, as it will be now. My hon. friend who has moved this resolution has not been long in this House, and I think he has taken a great deal on himself in this matter, which he had better leave alone. I believe if he had thoroughly studied up the question he would never have made the speech he has made here to-day, and I am quite sorry that he has done so. I remember perfectly well all these matters from beginning to end. Of course, I do not keep exact dates in my mind, because I cannot do so, but if my sight was good I would have had the dates of every one of these movements from 1792. I am satisfied in my own mind that this Bill is based upon a true and proper principle, and I shall support the Government on that ground, and trust that the Bill will be carried without material opposition.

Hon. Mr. KAULBACH—The question of my hon. friend from Marquette is whether Parliament itself can readjust the representation, or whether they must appoint an independent body to do so. In presenting his case he quoted from *Hansard* as far back as 1865, and showed what the opinion of several gentlemen, amongst them Mr. Dunkin and Mr. Rose, was upon the matter, and the opinion of those gentlemen at that time evidently was not in accord with what my hon. friend thinks the British North America Act intended, for the districts, not only as originally made, but the revision of the same, it was contended by these hon. gentlemen should remain within the purview of Parliament. However that may be, we must look to the Act itself, and judge from that. My hon. friend says it is vague and uncertain, and some other hon. gentlemen said it was intended to deprive the Parliament of the undue influence it might

exercise for party purposes in readjusting constituencies. The motion of the hon. gentleman from Marquette raises the constitutional question : Whether Parliament can readjust the representation or provide an independent authority to do it. Under section 51 of the British North America Act the contention by some is that the clause is vague and doubtful ; by others that it obliges Parliament to constitute an authority other than itself—that it was thus intended, so as to deprive Parliament of a control which could be unduly exercised and abused for party purposes. These positions and contentions I combat. The section says :

"On the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules : "

It seems to me that the meaning of the word "provides" is here used in this section in much the same sense as it is used in many other parts of the Act, as well as in Canadian and English statutes—the same sense as the words "prescribes," "orders" or "directs," and would or should read thus : The representation of the four provinces, the authority for which, the manner in which, and the time for which such readjustment shall take effect, shall be provided by the Parliament of Canada. The words of the clause itself, read in their strictest sense, do not, I think, remove it from the direct control of our Parliament. The clause says plainly it shall be readjusted in such manner and for such time as Parliament provides. If Parliament preferred to delegate the authority it would have to authorize, direct and define how, and the manner in which the readjustment of the representation shall be done, which would leave Parliament still virtually possessed of the full control of the redistribution. The delegated power could not be judicial, but simply ministerial—that is, done by and under the direction and authority of Parliament, which only can direct or define the manner in which it shall be done, and arrange the mode in or upon which the redistribution shall be made—in other words, the delegated power under that section would only be technical or mechanical. The hon. mover has so expressed his opinion in his motion, wherein he says that we refer to it upon the grounds that Parliament should arrange the mode upon which the redistribution shall be made, whilst leaving it to experts to carry out its wishes. I think in this section there is no limitation of the powers of Parliament. It has the right to provide any authority, not necessarily external authority. The authority might be a Parliamentary committee, and there is nothing inconsistent in this section or elsewhere in the Act to prevent Parliament from acting and passing this Bill. Then section 40 says :

"Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall for the purposes of the election of members to serve in the House of Commons be divided into electoral districts as follows :"

This, read with the next section, shows that Parliament can rearrange the electoral districts at any time or at any session, and as often as it pleases, which is a more important readjustment for party purposes than the readjustment of the representation, which is only once every ten years, and the number of representatives is fixed and determined by law. This would show that the framers of the British North America Act, and in particular section 51 thereof, had not in view the prevention of Parliament having the direct control of the readjustment of the representation or of the electoral districts ; and Parliament has so exercised it up to now. Nobody in or out of Parliament since the time of the passage of the British North America Act in 1867 has ever raised any question as to the complete and direct control of Parliament over the readjustment of the representation ; and had there been any chance for such a contention, it is fair to infer it would have been exercised at the first readjustment after the passage of the Act as well as at the last one ten years ago. Therefore I see no necessity now for referring this Bill to the Supreme Court for an expression of opinion as to its constitutionality.

Hon. Mr. SCOTT—Before I say a word on the proposition submitted by the hon. senator, I would just make an observation on the point raised by the hon. member from Sarnia. I hope he will not press his objection. He made the inquiry as to whether this House has the authority or power to submit this question in the shape in which it has been produced. I do not think it has, but if the question were to prevail, the Government would naturally feel disposed to avail itself

of the opinion of the Supreme Court. Therefore, I trust, under these circumstances, no exception of the kind will be taken. It is not in the proper form, in my judgment, because I think the question of the constitutionality of a Bill of this kind should be referred to the Supreme Court by the Governor in Council.

Hon. Sir JOHN CALDWELL ABBOTT—Of course the objection is a very obvious one. I did not raise it in the first place. However, it would be better for my hon. friend to alter his motion and make it an address. I only throw out the idea for my hon. friend.

Hon. Mr. SCOTT—What I would suggest is that the Bill be not now read the second time, but in the opinion of the Senate the constitutionality of the Bill should be decided upon by the Supreme Court. That would meet the objection, and in the meantime, in accordance with the suggestion of the Premier, I am very glad to find that no exception will be taken to the motion in its present shape.

Hon. Sir JOHN CALDWELL ABBOTT—I am not prepared to say that exception will not be taken to it in its present shape.

Hon. Mr. SCOTT—As I understand, the object of the hon. gentleman from Shell River in reading the resolution of the convention before going to London, was for the purpose of showing that the main resolution which we are now called upon to discuss had been altered after the delegates met in London. The particular resolution read in this way, "Immediately after the completion of the census in 1871, and immediately after every decennial census thereafter, the representation in the House of Commons shall be readjusted on the basis of the population." Now, there was no qualification whatever to that—the Parliament of Canada should do just as they pleased. If it were intended that Parliament should have that power absolutely, section 51 would have been differently framed. Unless it was intended that some outside tribunal should define the constituencies, why should the words "by such authority as the Parliament of Canada," be introduced ? If those words were expunged there is no doubt at all that the Parliament of Canada has power to deal with this question as they please. The only words, in my judgment, that are at all debateable are the four just referred to. If it were not intended to be some outside tribunal, why would those words be there ? You will find in all the other paragraphs, where power is given, either provincial or federal, no such language is used. If you will read section 92 it is quite positive and clear and absolute, without any opportunity of controverting it, that Parliament possesses under that particular section the power intended to be given to it. Under section 91 you will find precisely the same—there is no limitation. There is nothing said about the authority by which it is to be brought about. Parliament is given absolute power to deal with all the subjects that are mentioned. Section 92, which refers to the Provincial Legislatures, you will find contains no qualification—no language that restrains or restricts the powers given. Then, again, the same observation applies to section 93. So that we find section 51 differs materially from the corresponding section that was debated before Confederation, which had not any such restrictive words. The language of section 19, which I have read, and the observations made by the various speakers who discussed the resolution, all indicate that under that clause Parliament was absolute. It was pointed out in those speeches that it was a very dangerous power to entrust to Parliament. No doubt the delegates were fully alive to the evils that might arise by allowing the Parliament of Canada to have such an arbitrary power. They had, no doubt, the Constitutional Act under which Upper and Lower Canada were united before them. That union had only been brought about a few years before—in 1840. In that Act a clause was placed in order that the rights of the two provinces should be particularly protected. One of the clauses of the Act of 1840 provides that no such alteration as this shall be lawful unless it receives the concurrence of two-thirds of the members of each House. That would indicate that at that early date great precaution was exercised that no undue advantage should be taken. Many of the same gentlemen who discussed that measure were alive at the time of Confederation, and, no doubt, with the experience of the States across the line before them, it was felt that some restraining power should be indicated by which Parliament should not act unfairly, unjustly and unreasonably. It is to be assumed that, with the experience of that Act, and with the experience before them of what was going on in the United

States, naturally some qualification or some restraining power should be inserted in order that the rights of minorities might be protected. However, I, of course, with very great deference, express my opinion on an important matter of this kind in a hurried debate. I do not presume to lay down any principle or to in any way bring forward arguments that might be considered too exact for this subject. It is one on which I speak with exceedingly great deference. We have learned that there is an opinion in the country that this readjustment ought to take place by some outside tribunal—a tribunal created by Parliament. Parliament can often do by a tribunal outside what it cannot do by itself. Some gentlemen assume that what Parliament can direct to be done, it can do. We have here a codification of the criminal law: we lay down rules how offenders shall be tried. We appoint tribunals to try them; but we do not bring offenders to the bar of this House and try them. We pass Acts delegating power to be exercised by some outside functionary. You say Parliament has the largest powers; granted they have, but there are circumstances under which Parliament has felt that the execution of those powers should be delegated to some outside official or tribunal. We give directions—we lay down rules, and I cannot understand why those words "adjusted by such authority" should be there if it was intended that Parliament should do it. Now, would not the fair, ordinary and common sense reading of that section, with a view of giving Parliament itself the right to adjust the constituencies, read this way: "On the completion of the census in 1871, and after each subsequent decennial census, the representation of the four provinces shall be adjusted in such a manner and from time to time as Parliament provides." You leave out the word "authority." Why should the word "authority" be interjected there if it was not intended that it should be something external to Parliament? You do not find that word "authority" in any of the clauses to which I have referred—sections 91 and 92 and 93. They all define the powers that are to be given to Parliament and the Provincial Legislatures. In this particular clause, relating to the readjustment of the representation, there is that seemingly precautionary sentence interjected. Certainly, if it was intended that Parliament should pass a Bill to readjust the constituencies, the word "authority" would not be in the constitution. And so there is really a fair case for argument, —to put it on the shallowest basis you please. As has been observed, gentlemen who have a reputation at the bar have taken very strong ground on this subject. A doubt has arisen in the country. If the Government's view is right, no harm can arise. This is only the second session of this Parliament, and it is very likely to live out its life—three years, or, at all events, two years—and the Bill does not go into operation until the expiration of the present Parliament. If there is a doubt outside, it would be only fair to send this Bill to the Supreme Court, and with the strong view entertained by the friends of the Administration they surely cannot feel that they are jeopardizing the Bill by referring it to an independent tribunal. We made provision in the Act of last session that all such questions can be referred to the Supreme Court by the Governor in Council. You will find the authority in section 37, where provision is made for obtaining the views of the Supreme Court on any Act or law, or touching the constitutionality of any legislation of the Parliament of Canada. Now, this Bill comes directly under that Act—It may be referred by the Governor in Council to the Supreme Court for consideration. Now, if there is—and it cannot be denied—a doubt outside as to whether Parliament ought not to delegate the readjustment of the constituencies to an outside tribunal, why not have the question decided in the ordinary and proper way? If the views of the majority are correct, no risk can be run and very considerable irritation will be allayed. People who are dissatisfied with the Bill in its present shape will say, It is constitutional; and we have to grin and bear it. We cannot make a change until the people change the representation. If there is any fair expression of opinion of the people of this country, by its representatives in Parliament, that this question of the constitutionality of the Bill should be tested, I think it is high ground for the Government to avail itself of its majority and say, "No, we will not permit it—we can judge of the merits of this case ourselves. We do not look at it from a political standpoint; we take the high ground that we are giving it fair consideration." I do not think

the Government can occupy that high ground in a case of this kind, which touches so keenly one of the great political parties in the country—certainly a party that is made up of one-half of the population. They think they are aggrieved; whether they are right or wrong is not a question for us now to discuss. We look at it from a different standpoint, and therefore we cannot agree upon it. We might continue to hold different views on it, but in order to remove that dissatisfaction, if it will in any way allay the irritation caused by this Bill, refer it to the Supreme Court and obtain their opinion as to whether Parliament has this power. Then if they decide that Parliament has the power, we must bear the ills we have rather than fly to those we know not of. It may be a blemish, but our constitution has many other bright spots that will probably atone for it, and every reasonable man will accept the situation and not grumble; but if he feels that the fair placing of the case before the only court which can decide the question has been taken away, and that the Government avail themselves of their great majority to decline to allow that opinion to be taken, then everyone must think that the Government cannot occupy that excellent position that they should occupy on an important matter of this kind.

Hon. Mr. ALLAN—Does my hon. friend not consider that clause 51 leaves in the hands of the Parliament of this country, in the most entire and complete manner, the power to prescribe by what authority and in what manner and at what time this redistribution shall take place?

Hon. Mr. SCOTT—I say that the effect of putting in those words, "shall be readjusted by such authority as the Parliament directs," in the clause, indicates that it is intended that this authority shall be outside of Parliament. It is just in the meaning of these words. Those words are there for a purpose. A careful draughtsman, drafting the constitution of a country, would be careful of the language which he would use, and why should he interject those words "by such authority," if it was not contemplated that Parliament should say how such readjustment should take place? Just those four words in the Act are what disturb my mind as to the mode in which Parliament is now dealing with it.

Hon. Mr. KAULBACH—"And in such manner."

Hon. Mr. SCOTT—Yes; but those are the words—why should "authority" be there? It is not the authority of Parliament.

Hon. Mr. ALLAN—My idea is that if this clause did give the fullest authority to Parliament, then it is perfectly proper, if Parliament chooses, to say we will do this by our own authority; it is entirely within the power of Parliament to do so.

Hon. Mr. SCOTT—My hon. friend will see that if the words "by such authority" were omitted, then Parliament could either pass the Bill or name the tribunal—it had the alternative—but what I contend is, that the alternative was taken away by the introduction of those words.

Hon. Mr. McCALLUM—Of course I am not going to discuss the Bill from a legal point of view, inasmuch as I am not a legal authority, but I am not satisfied with the arrangements under this Bill. I think the Government are very magnanimous. They are giving a great deal more than they take, particularly in the Niagara district. Of course they have legislated my county out of existence. I do not find very great fault with them for that, if it was necessary in order to equalize the population. But I find people complaining in other parts of the country where they have less cause of complaint than I think I have, and I thought it was right that I should say something on the subject. If I had any doubt as to the constitutionality of the Bill it is cleared up by the speech of the hon. gentleman from Shell River, because he told us what took place before Confederation, and when I look at this Bill and see what it says I wonder that there is any doubt among legal gentlemen in the other House. It does not say much for their penetration when it took them twenty years to find it out. Twenty years ago we had a readjustment of the constituencies. I heard my hon. friend here from Ottawa say an exodus of our population causes this change. The answer to that is that the Province of Quebec has got sixty-five members. We all revolve around the Province of Quebec, and as an increase of population in the Province of Quebec raises

the unit that is what is the cause of this redistribution. If the population of the Province of Quebec decreases, then of course the representation of the other provinces increases all over the Dominion ; but if it increases in Quebec it decreases over all the rest of the Dominion, because Quebec has still its sixty-five members. It took those legal authorities a long time to find out that there was a doubt as to the constitutionality of this Bill. Section 51 says that on the completion of the census in 1871, and at each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, etc. "Authority" is the word that these legal gentlemen have a difficulty about. It says also, "in such manner, and at such times as the Parliament provides, subject to and according to the following rules, etc." Now, if you look at section 91, as quoted by the Minister of Justice, you can see that the Government, independent of section 51 altogether, have the authority to do just what they are doing now. That is how it strikes me. Of course, I have no legal training, but I will say, before I sit down, that my opinion of the Bill is that the Government are too generous. I am not a prophet nor the son of a prophet, but I tell them that they will find when they go to the people again that they are giving away more than they should have done. I say that it would be in the interest of the public at large if they did not give away so much. My county was set aside at Confederation to be represented by a Grit for all time to come. I came to the House of Commons for 18 years, and from 1867 until now my county has been sending a member to support the Conservative party, with the exception of two sessions. There is a gentleman in the other House now supporting the Government. When I came to the House some years ago there were four members from the Niagara district supporting the Government of the day. What will we have under this Bill ? We will have just one from the Niagara district, and the Grits will have the other three.

Hon. Mr. BELLEROSE—Before I record my vote on this resolution I must say that since the day that the hon. gentleman from Shell River gave notice of his motion I had doubts as to the propriety of it, and I said so to some hon. gentlemen in this House. In admitting this it is an act of humility on my part. Since I heard the statement made by the hon. gentleman from Shell River I am bound honestly to change my views. Hon. gentlemen may laugh, but an honest man always listens to the dictates of his conscience. Now, hon. gentlemen, what are my reasons for thinking I was wrong ? In looking at the Quebec resolutions, as adopted by the delegates from the different provinces, I find that resolution No. 19 provides that :—

"Immediately after the completion of the census of 1871, and immediately after every decennial census thereafter, the representation shall be readjusted on the basis of population."

By this resolution I understand that the provinces asked the Imperial authorities that the Parliament of Canada should have power to readjust the representation every ten years. That was their intention. I admit that. Now, either the clause in the British North America Aca which reads thus—

"On the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following rules :"

—either that is clear or it is not clear. If it is clear it signifies that a tribunal has to be created to do the work. If it is not clear we are to interpret it. How am I to interpret it if not by finding out what was the intention of the Imperial Parliament ? Why did not the Imperial authorities do what was asked of them ? They were asked by the people of Canada for power to readjust the representation on the basis of population every ten years, and the Imperial authorities said : "You are not to have that power ; you are to have something else, and here is the law." I will read the law according to what I think the Imperial authorities would have enacted if they had granted the terms of the resolution as asked for : "On the completion of the census of 1871, and on each subsequent census, the representation of each province shall be readjusted by and as the Parliament of Canada from time to time provides." That would be clear. It would be giving to this Parliament power to do so ; but the Imperial authorities say : "You asked for that power, but you are not to get it ; you are to have the redistribution made by a certain "authority." Such being the case, I

say that the House has no right to legislate, except for the appointment of the tribunal to settle the redistribution. This shows the intention in England not to grant what was asked for by our resolution; because it was easier to write clause 51, as I read it first, than to write it as it is in that section. The next section is not at all clear. There is a conflict of opinion between legal men as to the interpretation of it, and if it was written as I read it the first time it would be clear. Why did they so construct it? It was to prevent this Parliament from having the jurisdiction that is now claimed. The British North America Act was passed in 1867. What were the views of the Imperial Parliament on this question in the reign of 15 Victoria? The authorities had found that there was an abuse of this power in New Zealand, and they had to amend their constitutional Act and take away from that colony the right to readjust their representation. Does not that show that in the framing of this clause 15 years later the Imperial authorities had in view the preventing of the Canadian Parliament from readjusting the representation of the provinces? It strikes me very forcibly that that is the case, and until I am shown that the arguments of the hon. gentleman from Shell River are not sound I shall have to support them. There may be the objection that we have been working for twenty years under the law as it has been interpreted by the Government up to the present time without protest; but because we have been working under a wrong interpretation of the Act is no justification that we shall not have our eyes opened to-day. In a few years from now there will be a general election, and if that election should be contested, and the constitutionality of the law raised, is it to be supposed that there is a judge on the bench in Canada that will not be prepared to decide the question according to the strict letter of the law? Supposing the interpretation of the courts is against the contention of the Government, look at the enormous expense of another general election throughout the Dominion. You will have to calculate it by hundreds of thousands of dollars, and would hon. gentlemen in this House be acting in accordance with their duties when a doubt of this kind is raised in refusing to submit it to the Supreme Court for a constitutional opinion? I believe there is nothing in the amendment of the hon. gentleman from Shell River to show a want of confidence in the Government; the effect of it will simply be to stay the passage of the Bill for the present, and that is all; but I say now that if the mover of this amendment brings in a clause, when the Bill is in committee, to provide that the Act shall not go into operation before it has been submitted to a proper tribunal for a decision as to its constitutionality, I shall be ready to vote for such an amendment, because I consider it is too much to ask from Parliament, where the majority of the representatives of the people are laymen, to come to a decision upon so important a constitutional question. I say it is a serious matter, and I do not care about the sneers of some hon. gentlemen when I say that this is not the proper tribunal to decide as to the constitutionality of this Bill. I generally understand what I read, though I am not a lawyer, and I can see that in this clause there are difficulties. And there is more than that. We have been twenty-five years working under the Confederation Act, and how many times have Acts introduced by our Government, that I have supported myself, been overruled by the courts as being *ultra vires*? Dozens of times. Sir Oliver Mowat himself has had fifteen or twenty of the Acts passed by the Parliament of Canada declared *ultra vires*. Now, is it honest or expedient to proceed with a Bill of doubtful constitutionality when we have a remedy in our own hands? This Bill is not likely to be brought into operation for another three years, and would it not be safer to submit it for an opinion to the tribunal that would have to judge of cases arising under it? If a case arises under the operation of this law it will have to go to the Supreme Court, and if we have the opinion of the Supreme Court on the constitutionality of the Bill before it goes into operation we may rest assured that we will not have to appeal to the court for a decision by-and-bye. Therefore, I believe that it would be unjust, that we would not be performing our duties as senators if we refuse to submit this Bill to the Supreme Court for their opinion. Feeling as I do on this question, I must support the hon. gentleman's motion or do what is not honest; but if the hon. gentleman who has moved this amendment withdraws it now, and allows the Bill to be read a second time, and when the Bill is in committee brings in an amendment to provide that the Act shall not go into operation until it has been submitted to a proper

tribunal for decision as to its constitutionality, I shall vote for it.

The SPEAKER—It being six o'clock, I now leave the Chair.

After Recess.

Hon. Mr. DEVER resumed the debate. He said: I have listened with a great deal of satisfaction to the several speakers who have preceded me in this debate. I must say that I feel that the country should be proud of its representation in the Senate for the care and anxiety they have displayed upon all questions coming before them that are of any considerable importance. I feel that the question, so far, has been debated in such an intelligent manner that almost the simplest individual in this House and the country can understand it. To my mind the matter resolves itself into this, that the fifty-first section of the British North America Act is the basis of this legal question. I have read the section carefully and have come to the conclusion that the Parliament of Canada has the absolute power to legislate as it has done. With your permission I will read the section and explain it as I proceed, because a great deal of argument has been advanced on both sides, causing such a difference of opinion that it would be very difficult to give a conscientious vote on the question. I have no hesitation in saying that, from my reading of it, I can conscientiously vote in favour of the measure before the House. The fifty-first section says that "on the completion of the census in 1891, and after each decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner and for such time as the Provinces of Canada shall from time to time provide, &c." Now, as I read it Quebec has sixty-five members, and after each subsequent decennial census the Parliament of Canada has the absolute power to adjust the representation on that basis. It is true hon. gentlemen here have raised a question about the word "authority." Well, the Parliament of Canada has the power—that is, if they choose to exercise it. They may delegate it to any authority they choose, but they also have the absolute right to do it themselves. Taking that view of it, I do not see that we can do otherwise than vote for the Bill before the House as the House of Commons sent it to us. It is true that whilst I claim for the Parliament of Canada this absolute right, seeing there is such an opinion (perhaps a sentimental opinion), if the Government think fit for the peace and harmony of the country to accede to the wishes of gentlemen who take a different view, they might obtain the opinion of the Supreme Court on the Bill, but I do not see that there is any necessity for it whatever. Parliament is given the right, under the British North America Act, as absolutely and positively as it can be given to them. I have read the 91st section, and it does not interfere in the slightest degree with that power, but on the contrary strengthens it, and they need not relinquish it. This being my opinion, I might speak with reference to my own province, but I do not think it is necessary. All I would have to say about that province is perhaps the unsatisfactory statement that we have lost two members in our representation. Why our population has decreased to that extent is a matter for consideration. I do not wish to raise the question at the present time, but we have lost a member for the city and county of St. John, and one for Sunbury. There are various opinions about the cause of this, but as we cannot settle it here, I do not think it is necessary to obtrude my opinion upon the House, but will leave the question in your hands.

Hon. Sir JOHN CALDWELL ABBOTT—I do not feel that I can allow this question to come to a vote without making some short remarks on the points that have been raised by my hon. friend from Manitoba; and I must say that I do not see anything in these points that deserves any substantial or laboured argument. I could not help thinking, when I heard my hon. friend from Ottawa making his speech on the subject, of the instructions we receive in a very high quarter to beware of being "beguiled by the voice of the charmer, charm he never so wisely," for really anything more exquisite than the childlike and innocent tone of pathos in which my hon. friend from Ottawa discussed this matter I never heard in this House or out of it. One would suppose that it was the song of a siren trying to beguile us into doing what we ought not to do, or rather omitting to do what we ought to do; and certainly the effort which my hon. friend was making to induce this House to stultify itself, to confess its inability to deal with its own duties, was one

which required a good deal of charming in order to induce any member of this House to yield to it. I would like to have said something more on that subject, but I will not, because my hon. friend is not here. I should like to have drawn a contrast between the pathetic appeal which my hon. friend made to us all on that occasion, and the occasion which was referred to by some speakers during the afternoon ; a memorable occasion, when the Ministry of which my hon. friend was a member endeavoured to pass a measure in this House which, in the absence of my hon. friend, I will not characterize. But now the question whether the Parliament of Canada possesses the ordinary functions of a Parliament, is really the question before the House. Since there was a Parliament in Canada, every Parliament has exercised the power of regulating the boundaries of its own electoral districts. It is the Legislatures of the provinces that divide up the electoral districts in the provinces for the purposes of their elections, and my hon. friend would deny to the Parliament of Canada the power which every Legislature which has existed in Canada, and the Legislature of every province which now exists in Canada, possesses in the fullest degree.

Hon. Mr. BOULTON—Provinces have the power to alter their constitutions ; we have not.

Hon. Sir JOHN CALDWELL ABBOTT—That is not the point we are discussing. We are dealing with the question of the electoral divisions of the Dominion ; and the question of the power which, under the constitution of the country, has the right to make those electoral divisions. My hon. friend denies to the Parliament of Canada the power which every Legislature in the Dominion has possessed since there was a Legislature in it, and which the Legislature of every province, however small, possesses at this moment. He would belittle this Dominion Parliament to such an extent as to place it, as regards its power over itself, beneath its own smallest province. Now, on what, after all, is this pretension founded ? Where is the restrictive clause that prohibits the Parliament of Canada from settling the boundaries of its own electoral districts to be found in this Act ? I have not found any gentleman quoting any restrictive clause from the Act, and I look in vain in the Act for the slightest restriction on the powers of the Parliament of Canada with reference to the distribution of its constituencies. Without going into minute particulars as to what the statute does authorize, I begin by stating that it is inherent in the power of every Parliament to exercise its own jurisdiction over the divisions which are to be represented in it. It is so in every representative body in the world ; it is so in the representative body which we take as our model, and although both in this House and in the other House efforts have been made to confuse and misdescribe what took place on one occasion in England as a proof that the Imperial Parliament does not dispose of its electoral divisions as it thinks proper, there is not the slightest shadow of a foundation for such a pretension. The sole occasion on which there was any conference between the two bodies in England as to the constitution of its electoral districts was the occasion of the Redistribution Act of 1885. Now, if hon. gentlemen insist on speaking of a historical occurrence like that, it does seem to me, it would be safer for them to master in some degree the details of the occurrence, which are to be found in every book that treats on such a subject. I notice that my hon. friend from Shell River held up to us as a model the action by the English Parliament which that occurrence presented to us. My hon. friend from Ottawa spoke of it being such a "noble example" to us—such an inspiring example of patriotism and loyalty—to see the two great bodies of the country agreeing in accordance with precedent and practice on the mode on which the redistribution was to be managed. There was nothing of the kind on that occasion. That occurrence was simply this : in the House of Commons there was a majority of Liberals ; in the House of Lords a majority of Conservatives. In the House of Commons the Liberals brought forward a measure readjusting the franchise, by which an enormous number, some two millions of voters, was to be added to the constituencies. In the House of Lords the majority said, "We will not consent to such an enormous addition to the constituencies unless we know in what manner the votes are to be exercised in the redistribution," and they refused to allow the Bill for the extension of the franchise to proceed until they

were informed by the Government of the nature of the redistribution they intended to make. That was the occurrence to which these gentlemen referred, and the circumstance on which they base the principle, or what they call a principle, and which they assert here and insist upon our accepting. They state that to be an occasion on which this principle was exemplified.

Hon. Mr. ALLAN—That was the sole conference, then ?

Hon. Sir JOHN CALDWELL ABBOTT—That was not the sole conference ; but it arose out of that fact : that the Government could not carry the extension of the franchise, because the Conservative majority in the House of Lords refused to take it up until they had been informed in what way the Government proposed to redistribute the constituencies. Now, that is a matter of common history ; everybody knows that. The consequence was, conferences of various kinds. There was great excitement in the country ; speeches were delivered on almost every hustings in the United Kingdom, and yet, when the House assembled, the situation was not changed, and the consequence was the Liberals were obliged to make up their Redistribution Bill and communicate it to the Conservative party before the Conservative party would allow them to extend the franchise. Where is the similarity between that and this occasion ? There is no similarity in any respect. The majorities of the two Houses, I think, are in accord about this Bill. There can be no question of the majority of one House, I hope, refusing to carry out the provisions which have been passed by the majority of the other House. At all events, there has been nothing yet to show that such an occurrence will take place. There is no necessity for a conference—nothing that the other House is concealing from us that we want to know, and nothing in the other House that would warrant us in preventing the Bill proceeding. There is not the slightest symptom of similarity between the two transactions in any single respect, and yet that is the sole ground on which it is frequently stated on the other side, and was stated to-day by my hon. friend from Ottawa, that the principle which was contended for of referring the redistribution of seats to an independent tribunal was the practice in all civilized countries possessing a representative government. It does not prevail in one civilized country that owns a representative government.

Hon. Mr. SCOTT—Will my hon. friend deny that on former occasions the redistribution was not referred to judges ? It would have been referred to the judges then, if the two Houses had not concurred in it.

Hon. Sir JOHN CALDWELL ABBOTT—say the practice does not exist in England. The practice there is to bring in a Bill similar to the Bill here. They may not settle the details ; they may refer the details to some tribunal to settle.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir JOHN CALDWELL ABBOTT—That is a very different thing from submitting the Bill to a tribunal of judges, or anything of the kind. The majority of the House of Lords, on the occasion to which I referred, demanded to know what the Bill to be laid on the Table of the other House was, in order that they might see what the redistribution was to be, and the Bill was introduced, exactly as we introduced this Bill, and was proceeded with in the Lower House exactly as we have proceeded with this Bill here, except that they were forced, by the decision of the majority of the House of Lords, to communicate with them about the Redistribution Bill before they proceeded with the Franchise Bill. The redistribution of seats in England is done by the same process that we have adopted here : it is initiated by a Bill in the House which describes the redistribution, or describes in some cases the principle on which it is to be made.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir JOHN CALDWELL ABBOTT—In any case where there is such a complication that the details require to be settled by outsiders from personal knowledge of the facts, the House provides that it shall be decided on some principle and by commissioners appointed for the purpose. But that is not what this House is doing now. There is no difficulty about the process of division in this country. We know what our municipalities are. We can describe and divide them just as well at this Table as at any place in the Dominion of Canada. No doubt occasionally the British Parliament for their own con-

venience, have provided for the settlement of minor details in the division of constituencies. And on that fact, amongst others, hon. gentlemen who are opposed to the Government—for I have not heard anybody else taking such a view—have chosen to base their argument that this Parliament has no power of itself to redistribute the constituencies—that its power to do so has been taken away from it. Their main pretension, however, rests upon section 51 of the British North America Act. Now, let us see what this clause is to which such extraordinary importance has been attached. I think I might, with some advantage, just glance at some of the powers that are conferred on this Parliament. By clause 18 of the Constitutional Act, the powers which are to be held and exercised by the Parliament of Canada are to be such as Parliament itself defines from time to time, so that they are no greater than the powers held, enjoyed and exercised by the British House of Commons.

Hon. Mr. POWER—Those are the powers of each House.

Hon. Sir JOHN CALDWELL ABBOTT—Do not the two Houses constitute Parliament? It says the powers, privileges and immunities to be held, enjoyed and exercised by the Senate and House of Commons of Canada are to be such as are to be defined by Parliament itself, so that they do not exceed the powers held by the English House of Commons. Will anybody deny that the English House of Commons can redistribute its constituencies? The next clause which refers to these powers is section 40, which says that "until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall be divided into electoral districts as follows:" and then it gives the details of the electoral districts in these four provinces which are to remain in that position until "Parliament otherwise provides." What does that mean if Parliament is not to make the change? "Until Parliament otherwise provides," says the Act, the divisions are to be so and so.

Hon. Mr. MACDONALD (B.C.)—No commission is provided for.

Hon. Mr. DEVER—They can do anything they like.

Hon. Sir JOHN CALDWELL ABBOTT—Except make a man a woman, I suppose.

Hon. Mr. LOUGHEED—They might do that by Act of Parliament.

Hon. Sir JOHN CALDWELL ABBOTT—They might try. Section 51 says that on the completion of the census, 1871, and after each subsequent decennial census, the representation of the four provinces shall be readjusted "by such authority, in such manner"—my hon. friend does not like to adopt that as part of the clause, but it is here, and I read it from the clause—"and from such time as the Parliament of Canada provides." My hon. friend says we must do it by "such authority," but is there no other way in which we are to do it? Suppose that means that they may delegate their authority, that they may appoint a commission or an individual to readjust the constituencies which are complicated, like some of the constituencies in the suburbs of great cities. Suppose they are to do that, what about "such manner"? The law of construction entitles us to take these three phrases separately by themselves. So the law says the representation shall be readjusted "in such manner as Parliament from time to time provides," and it may be readjusted "by such authority as Parliament from time to time provides," and it may be readjusted "from such time as the Parliament of Canada from time to time provides." The only way my hon. friend can escape from the obvious meaning of that clause, that the Parliament of Canada can redistribute the constituencies in such manner as they may provide, is by insisting that only the words "such authority," which suit his view, are to be taken in this case. I refuse to accept that mode of construing the statute. If we are going to construe the words of the statute, we are to take them as they read, and not allow him to eliminate from it any words which enable us to arrive at its true meaning. My hon. friend has no more right to strike out from the clause of the statute the words "in such manner," which gives the power to readjust the constituencies, amongst other ways, by Bill, as we are doing it, and which is one manner of doing it—he has no right to eliminate from the clause that phrase than I have to eliminate from it, "by such authority." It is a simple way to read the clause as it is, in such a way as a gentleman who never troubled himself with intricacies of the law would read it—Parliament may adjust the constituencies by such authority as it

chooses, in such manner as it chooses, for such time as it chooses. I really do think that argument is thrown away in trying to enforce so simple, plain, obvious and convenient a construction, and one which is so consistent with all the theories of the power of Parliament. What an absurd position would this Parliament be in if every province of the Dominion could regulate its own constituencies and decide what each member shall represent, and if similar power is denied to the Parliament of the Dominion, what a humiliating position the Dominion Parliament would stand in! But there is another clause bearing on the powers of Parliament, "It shall be lawful for the Queen, by and with the advice and consent of the Parliament of Canada, to make laws for the peace, order and good government of Canada in relation to all matters not coming within the class of subject by this Act assigned exclusively to the Legislatures of the provinces." Everything, to put it in common parlance, which is to be done, may be done by this Parliament, no matter what it is, that relates to the peace, order and good government of the Dominion of Canada—all that can be done by legislation for those purposes can be legislated about, except such matters as are by this law expressly placed within the jurisdiction of the provinces. Now there is one thing among others put expressly by the Act under the jurisdiction of the provinces. There are a good many things, but I want to refer merely to one. I think it is in section 80. The Legislative Assembly, by that, and another section that I need not refer to, is authorized to alter, for provincial purposes, the limits of any of the electoral divisions or districts mentioned in the second schedule of the Act. That is one thing that the Local Legislatures of the provinces are authorized to do.

Hon. Mr. SCOTT—Except certain English seats.

Hon. Sir JOHN CALDWELL ABBOTT—Yes; but that is one of the things that the Local Governments of this country are exclusively authorized to do. Who has to distribute the electoral districts of the Dominion? The law says the Dominion shall pass every law that is required for the peace, order and good government of this country except such things as are exclusively assigned to the provinces. The redistribution of the seats of the provinces for provincial purposes is exclusively assigned to the provinces. The redistribution of the Dominion constituencies is not assigned to the provinces. The constitution says that everything which is not exclusively assigned to the provinces may be done by this Parliament. Is there anything more required? Is there any use hammering at a proposition so obvious, which really, in point of fact, in almost any assembly in the world, where there is no party feeling to encourage the formation of adverse opinions—I do not say they are not formed in good faith—but in any assembly in the world, where adverse opinions are not fostered by party feelings, they would say at once, "We control our domestic matters; we can say who shall be a member of this House and what constituency that member shall represent." That is a domestic matter, and it is in the essence of every representative body—even those which are formed by mere consent—and always assumed and always acted upon, that they have the control of their own members. They decide whether each member properly represents a particular district, and what particular district he does represent, and so it is with every representative body, from those which are absolutely informal to the highest and most formally constituted representative body in the world—the British Parliament. We occupy, I am happy to say, a high grade in the ladder which reaches from the convention for the purpose of suggesting a candidate for an election—we occupy a high grade between an association of that description and the great Parliament of England. But the principle which applies from the highest to the lowest applies to us, and would be assumed to apply to any assembly in the world without the necessity of examining any constitution or statute, the moment that we assemble together. In this case we have not only that which no man can deny—the power inherent in every representative body—but we have in four different forms the most precise statement in the constitution that we are the body who shall determine the boundaries of our own constituencies—that until the Parliament of Canada otherwise provides, the electoral divisions of Canada shall be so and so. The Parliament of Canada is given power to deal with all matters concerning the peace, order and good government of the Dominion, except such affairs as are exclusively given to the provinces. Here is the power—the power

of distribution of provincial constituencies given exclusively to the provinces, and the power of distributing Dominion constituencies is not exclusively given to the provinces; it therefore, by the language of section 91, is expressly given to this body. Nothing could be more certain and positive. It does not content itself with stating the things we may do in detail, but it says, "You may do everything that the provinces are not exclusively authorized to do," and this is one of the things that the provinces are not exclusively authorized to do. Therefore, our power cannot be denied. Then comes the casual provision as to when the redistribution is to be made. It is nothing more or less than that which the fifty-first article settles. The redistribution is to be made after each decennial census, and we may do it by delegated authority, if we like, in such manner as we like, and for such time as we like. That is the exact language of section 51. Can anyone argue with any chance of being supported in the view by an assembly like this, that because they give us the authority to delegate the power conferred on us that we therefore lose the authority which they give us in the next phrase, which authorizes us to make the distribution in any manner we please? We choose to do it by a Bill, as the Parliament of Great Britain does, but surely that is one of the ways which the Act contemplates, since it is one of the modes in which it is said it may be done, and in which we please to do it. I do not think I can add anything more on the subject than I have said. I do not think it requires any more to be said. I cannot agree with the hon. member from Shell River, that if any hon. gentleman has a doubt as to the true construction of the law, or of the constitution, we are bound to sacrifice all our certainties to his doubt, and send it to the Supreme Court, in order that his doubt may be investigated. I say that if this House entertains any serious doubt about the matter, that would be a different affair. I set forth the proposition as my hon. friend put it, that if any hon. gentleman had a doubt it ought to be submitted to the superior tribunal to solve that doubt. I say we are not prepared to throw away the intelligence with which we are gifted, great or small—we are not inclined to throw away the position which we have received here, as the senior and most important branch of the Parliament of Canada, and declare our inability to construe an Act which is as plain as if it were written in letters of fire on the walls of the chamber. I hope we shall not stultify ourselves by making any such confession. On the contrary, I think we shall be prepared to construe for ourselves the powers which we find in that statute, and which I take it there is really no difficulty in construing by a plain, sensible man. I think we will take the responsibility of construing it ourselves, and decide what we shall do about it, be the consequences what they may. I think if my hon. friend's motion were granted we should virtually say that we do not know whether we are really a Parliament or not, that we do not know whether we have the power to do anything important or not, and that because it is doubted by any hon. gentleman inside or outside of the House (and I observe the opinions of the people outside of the House have been largely quoted on the subject, some for and some against), we must admit that we are bound to submit, more or less, and relegate to some inferior tribunal or individual persons the duties imposed on us by the country, at the pleasure of any gentleman inside or outside of this chamber, who thinks proper by some hair-splitting method of cutting up the clauses of our constitution, depriving them of their ordinary plain, common sense construction, to throw doubts upon their meaning, and declare ourselves powerless to dispose of our own legislation, to regulate our own domestic affairs, or to exercise the functions which, as I have repeatedly said in the course of these few words, are inherent in every legislative body.

Hon. Mr. POWER—I regret to feel called upon to discuss this question at rather a late hour, and rather a late stage of the debate, and at a late stage of the session; but this House is not responsible for the fact that we are discussing this most important measure at so late a period. There is no reason that any one can see why this measure should not have been introduced and read the second time in the House of Commons at a very much earlier stage in the session.

Hon. Sir JOHN CALDWELL ABBOTT—I may say to the hon. gentleman that this Redistribution Bill was introduced within at most ten days after the census was completed, and it could not have been framed at all until the census had been completed.

Hon. Mr. POWER—The hon. gentleman has explained why the measure was not introduced much earlier than it was. I do not mean to say anything about the introduction of the Bill, but the fact is that the motion for the second reading was not made until Parliament had been in session for two months, and it has only just come up from the other House, and it is our right and duty as a constituent House of Parliament to discuss it to a reasonable extent, and we shall not do any more than that. I wish, before undertaking to make any argument on the question, to apologize to the hon. gentleman from Victoria division. It will be remembered that when that hon. gentleman rose to speak, I suggested that the speech which he was about to make would be more properly made in Committee of the Whole. I think I was right; at the same time I probably should have shown a greater courtesy to the hon. gentleman if I had not made that observation; but I wish to say that it was not made with any desire at all to prevent him from speaking, or to embarrass him in any way. We are all "poor, weak, frail mortals." There is no doubt about that, but I think that being frail mortals, and not being able to look at political questions with unbiassed eyes when it comes to such a matter as deciding how the constituencies of this country shall be divided up with a view to the election of members of the House of Commons, we are not in the position—men on either side—to do the work in the impartial and judicial way in which it should be done. I do not think it is necessary to go very far for evidence as to that point. The hon. gentleman said something about Mr. Mowat. I wish to say something about Mr. Mowat, or Sir Oliver Mowat, a little later on. But here is the fact: this Parliament passed a Bill in 1882. Every Conservative member, I think, at that time in the House of Commons, and, I believe, every Conservative member in this House, maintained that the measure of 1882 was an eminently fair and proper one. Any man with a judicial mind must have known that it was not; but gentlemen were blinded by party feeling, and they did not realize that it was an unfair and injudicious measure. But since that time men's minds have had time to cool, and what do we find to-day? We find that some of the gentlemen who were most active in advocating the measure in 1882 declaring that they had done wrong—that it was an unfair and improper measure—and expressing their regret that they had supported it.

Hon. Sir JOHN CALDWELL ABBOTT—Which of their judgments is right? The one which they formed at the time, or the one which they formed the other day?

Hon. Mr. POWER—I take it that the judgment which they formed deliberately after the lapse of years was a sounder judgment than the one that was formed in the heat of party feeling. Not only that; but we have the independent Conservative members of the Province of Ontario and elsewhere, and throughout the Dominion, united in condemning the Act of 1882. As far as I can remember, no member of the House of Commons during the recent discussion undertook to say that the Act of 1882 was a fair and generous measure. Another fact which shows how impossible it is for gentlemen to look at these questions in which their party interests are involved in a judicial spirit is the way in which the Tuckersmith Bill has been dealt with. One would fancy from the way my hon. friend opposite and the hon. Premier spoke of the Tuckersmith Bill, that it was a most iniquitous measure. Now, what was the Tuckersmith Bill? The fact is that the Act of 1872 had divided the county of Huron into three ridings, and the division was not, in respect of population, altogether unfair; but they had hived the Grits in one riding, and given another riding to the Conservatives. The riding in 1874 was represented by a Liberal member, and that Liberal member tried to get done for himself the very thing that was done in fifty-four constituencies in 1882.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend admits that.

Hon. Mr. POWER—That was an enormous offence, and the gerrymander of 1882 was no offence at all. Hon. gentlemen should take the beam out of their own eyes before they undertake to remove the mote from the eyes of their opponents

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will perceive that the object of addressing that argument to the Opposition was to show that they were in sympathy with the gerrymander of that day.

Hon. Mr. POWER—That does not affect my argument. After the pathos that is displayed when hon. gentlemen make such a mountain out of a mole-hill as the Tuckersmith business, one can see how impossible it is for a strong party man to look at a matter that is in the interests of his party in an impartial way. Let us separate ourselves from Canada altogether, and go to some other country where the parties are known by different names, and would any hon. gentleman feel that it was only fair and right that the representation of that country should be so adjusted that the voters of the three parties should not have fair and due weight in the election of their representatives. I do not pretend to say that had the Liberal party been in the same position as the Conservative party that they would have done things that would have just suited the Conservative party. I presume from the example of Tuckersmith that they would not; but I do not think that they would have done the things that were done in 1882, and although a great deal has been said about Sir Oliver Mowat's Redistribution Bill, as far as numbers are concerned, when that measure was going through the Legislature of Ontario it was not shown that there was anything very unfair about it. It was never shown that Sir Oliver Mowat went outside of county lines or did anything more than was honest, human nature. A man will naturally help himself and help his own friends. I understand that when the Bill went through the Ontario Legislature there were only two dissenting voices in the second reading. That goes to show that the measure could not have been so objectionable as the hon. gentleman states. The truth is, hon. gentlemen look at Mr. Mowat's Bill through yellow glasses, and they are anxious to have something to set up against their own iniquity of 1882. Human nature, and particularly Conservative human nature, being what it is, it is most desirable that that human nature should not be allowed to work without some limitations and restrictions, and I think there is reason to believe that these limitations and restrictions have been imposed upon. I am not familiar with the history of the Quebec resolutions; but I take the resolutions themselves, and they seem to me to involve something more than some hon. gentlemen think. No. 19 of the Quebec resolutions has been read by itself. That dealt with the readjustment of the representation of the House of Commons after the census of 1871. The 20th resolution provides for the basis of such readjustment, that Lower Canada should have 65 members, and so on. Resolution 21, that no revision should be made in the number of members. Section No. 22 says that fractional parts shall not be considered unless they are more than one-half. The 23rd is an important resolution. It says that the Legislature of each province shall divide said province into the proper number of constituencies, and define the boundaries of each of them. This coming after the other resolution goes to show that the contention of the Quebec conference was that the constituencies of Canada were to be defined by the Provincial Legislatures. I think that is a fair and reasonable interpretation. I do not insist that it is the right interpretation; but at any rate it is a fair and reasonable one. Supposing that to be the case, or whether it was or not, the delegates went over to London and sat down to complete the work which they had begun in Quebec. One can understand that a delegate in London thinking that this was a power which they ought not to leave to the Local Legislatures—and, by the way, I think the hon. gentleman dilated a good deal on the absurdity of leaving such a power to the Local Legislatures——

Hon. Sir JOHN CALDWELL ABBOTT—The power of what?

Hon. Mr. POWER—The power of disturbing the boundaries.

Hon. Sir JOHN CALDWELL ABBOTT—No; I said it would be absurd to suppose that the power of distributing the constituencies was given to Local Legislatures, and was denied to the Dominion.

Hon. Mr. POWER—I think the hon. gentleman went further, and said it was absurd to say that the power should be vested in anybody out of the Dominion Parliament. I think it will be admitted that the men who framed the United States constitution were men of reasonable ability, and not likely to do absurd things, and that power in the United States is vested in the Local Legislatures We have an instance of it in New Zealand, where this power was given to the Colonial Legislature by Imperial statute, and that power

had been apparently abused, and in a subsequent Act the power was taken away by the Imperial authorities. I have myself seen in the reports of the discussions of the body proposing a confederated Australia a statement made by one of the representatives of New Zealand that in New Zealand the redistribution is done by a commission. Then we have this same Australian body meeting, and I find in the draft of the Bill constituting the Commonwealth of Australia a Bill which was drawn up after a prolonged discussion by a number of very able men, and anyone who takes the trouble to look up the debates will be impressed with the keenness and ability of the gentlemen engaged in drawing up the constitution. Section 31 says :—

"The electoral divisions of the several states for the purpose of returning members of the House of Representatives shall be determined from time to time by the Parliament of the several states."

Here is the principle which the hon. gentleman speaks of as absurd, embodied in a measure drawn up by a number of particularly skilful and able men—statesmen, some of them. So that the thing is not so absurd after all. Now we have got this far : we find that the thing is not absurd—that it has been done in other countries, and the question is, what does our Constitutional Act provide ? I presume in London the delegates thought it would not be well to leave this matter to the Local Legislatures, and they thought that Parliament should have the right at any rate to indicate the general lines which should be adopted in redistributing, and I may mention here that in England the British Parliament does not do the work itself, and the hon. gentleman opposite admitted that after Disraeli's extension of the Franchise Act in 1868, the work of apportioning the constituencies was done by a commission of judges.

Hon. Sir JOHN CALDWELL ABBOTT—I would like my hon. friend to give me some authority for that.

Hon. Mr. POWER—I do not think there is any doubt of it.

Hon. Sir JOHN CALDWELL ABBOTT—I think there is. I think it was done by Bill.

Hon. Mr. POWER—They did in England in both cases just what we say should be done here. Parliament by a Bill laid down the principle upon which the redistribution should be conducted ; but Parliament did not undertake to go into the details of the Bill as we have done here. They did not undertake to strike out a parish here and add a parish there for the purpose of making a seat safe. The work was left to an Imperial tribunal both in 1868 and 1869, and, in the case of Gladstone, in 1885 I think it was, and the hon. gentleman, if he wishes to have a model to go by, had better get the instructions which were given by the Government of England to the commissioners who made the redistribution under Gladstone's Bill, and what is laid down there is just what we claim. We claim that Parliament should lay down the lines upon which the redistribution should take place, and leave the details of the work to be done by an impartial tribunal. That is what they did in England, and that is what we ought to do here. Now, let us look at the British North America Act. Section 51 says :

"On the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces shall be adjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules :"

The thing was to be done, not by the Local Legislatures, unless the Parliament of Canada gave them the power to do it ; but it was to be done by such other authority as Parliament should prescribe. A commission of judges would be a very appropriate authority. It is the body to which I understand the matter was left by Disraeli's Government, and the work was done by impartial commissioners under Mr. Gladstone.

Hon. Mr. KAULBACH—The section does not say by "such other authority," but by "such authority, in such manner, and from such time as the Parliament of Canada from time to time provides," and may that not mean by such authority as is inherent in Parliament, or conferred upon Parliament by the constitution ?

Hon. Mr. POWER—The draughtsman in England knew his business, and if he meant that Parliament should do it he would not have said it was to be done by such authority as the Parliament of Canada from time to time provides.

Hon. Sir JOHN CALDWELL ABBOTT—Does it not say that Parliament shall do it in such manner as it pleases ?

Hon. Mr. POWER—Yes ; but it must be done by "such authority, in such manner, and from such time." It is not "or from such time." You have the description of the thing here. It must be done by "such authority, and in the manner, and from such time as Parliament shall provide." Does the hon. gentleman mean to say that the words "such authority" have no meaning at all ?

Hon. Sir JOHN CALDWELL ABBOTT—Yes, they have a meaning of their own. They have the meaning that the English language gives them, that Parliament might themselves make this redistribution by such authority as they think proper, but the language also gives a similar meaning to the next clause, that they may do it in any manner—that is to say, for instance, by Bill.

Hon. Mr. POWER—It tells that tribunal the lines upon which it is to be carried out.

Hon. Sir JOHN CALDWELL ABBOTT—It does not say so in the Bill.

Hon. Mr. POWER—It is the natural meaning of the Act, and we have decided that the time shall be immediately after the census. The hon. Minister undertook to argue that no matter what meaning we might attach to the fifty-first section, if Parliament had not the inherent power to do this thing then it certainly had the power under section 91. With all deference to the learned Minister, and to the learned Minister of Justice, I think I am doing no injustice to these hon. gentlemen in saying that they do not themselves, in their own minds, attach such weight to that argument as they wish their hearers to do.

Hon. Sir JOHN CALDWELL ABBOTT—That is not a very proper statement.

Hon. Mr. POWER—I do not think it would be complimentary to the hon. gentleman's skill as a lawyer if I interpreted it the other way. Now, what do we find ? We find in the Act a number of sections, first sections under the heading of "Unions," then sections under the heading of "Executive Power," and four under the heading of "Legislative Power." They point out the legislative power under the constitution of Canada ; and does the hon. gentleman mean to say that any general expression of the subsequent section of the Act can override these sections which deal with the constitution of Parliament ? Does the hon. gentleman mean to say, for instance, that this Parliament could override the very first sub-section of section 51 ? Could it say that Quebec shall not have the full number of sixty-five members ? If Parliament has this inherent power to deal with the matter, then it can deal with that question as well as with the other. The first paragraph of section 51 settles how this thing is to be done—that the representation is to be readjusted by such authority, clearly an authority separate from Parliament itself, and in such manner and at such time as Parliament shall provide. Then it goes on to say that Quebec shall have a fixed number, &c. If this Parliament can override the first paragraph, then it can override the others. The hon. gentleman said something about section 18. I do not think that the hon. gentleman could have been serious when he used that argument. Section 18 says :

"The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the House of Parliament of the United Kingdom of Great Britain and Ireland by the members thereof, &c."

Does the hon. gentleman mean to say that Parliament could give itself any powers greater than those that are given in this Act ? Certainly not. Section 19 is dealing, not with the constitution of the legislative power of Canada, but with the subjects which come under the jurisdiction of the Dominion of Canada. I do not think that either the Minister of Justice or the hon. Premier would, before any court of appeal, undertake seriously to argue that section 19 overrides section 51, and the question is, whether under section 51 we should refer this question to the Supreme Court. I am myself rather disposed to take the view of the hon. gentleman from De Lanaudiere, that perhaps the better way would be to put a suspending clause in the Bill to the effect that it should not go into operation until it is decided by the Supreme Court, on an application by the Governor in Council, that the Act was within the jurisdiction of the Parliament of Canada. Observa-

tions were made by one or two other hon. gentlemen to which I might reply, but I think probably if it is desirable there will be an opportunity to do so when the House goes into committee. I wish to say finally, with respect to this measure, that although when it was introduced into the House of Commons it was an exceedingly objectionable measure, that owing to the changes which had been made in it at the suggestion of the members of the Opposition it is now not so very bad a Bill as it might be. This Bill, if it becomes law in its present form, will never have the reputation in history it might have had.

Hon. Sir JOHN CALDWELL ABBOTT—As Mowat's Bill, for instance !

Hon. Mr. POWER—It will not fill the same glowing page in history as the Act in 1882 has. It is to be regretted that when the Bill was at its second reading the Government had not indicated in a more distinct way their willingness to accept reasonable amendments. There was something said about it, but it was taken in a sort of Pickwickian sense.

Hon. Sir JOHN CALDWELL ABBOTT—The Liberals could not believe that we were in earnest.

Hon. Mr. POWER—If the Government were understood to be reasonable—to make as many reasonable amendments as they should make—the discussion on the Bill would not have lasted as long as it did, and we should have been through with it some time before now.

Hon. Mr. LOUGHEED—I desire to record my protest against the manner in which this debate has been carried on by the hon. gentleman from Shell River. The hon. gentlemen who supported the motion of the hon. gentleman from Shell River have resorted to a species of subterfuge and sophistry in avoiding any expression of opinion as to the unconstitutionality of the Bill or in pointing out the grounds of the motion. Exception has been taken to the constitutionality of the Bill in the vaguest possible manner, but none of these gentlemen would risk their reputations as lawyers to say positively that the Bill is unconstitutional. These hon. gentlemen would seek to urge upon this House that the Government is blameable, by reason of not adopting the suggestions which have been made by the various other parliamentary bodies referred to, viz., the appointment of a commission for the purpose of defining the electoral divisions within a particular country, a subject which is entirely foreign to the motion. Now, my hon. friend who has introduced this motion has referred to New Zealand, and also to Australia. The difficulty appears to be with him that because those countries have seen fit to suggest that a commission should be appointed for this particular purpose, that this Government is blameable in not appointing a similar commission. Now, if my hon. friend had placed upon the motion paper a resolution suggesting the advisability of appointing such a commission for the purpose of distributing those seats, I could very well understand the force and nature of such a contention ; but inasmuch as the constittutionality of this Bill is under discussion, and not the question of appointing a commission, I therefore pronounce it reprehensible on the part of the supporters of the motion to thus seek to mislead this hon. House. If the Liberal party are desirous of this being done by commission why do they not assume the responsibility of placing upon the Paper a resolution affirming the desirability of appointing the commission and accepting the onus thereof. In pursuing the course they have, by shirking this responsibility and holding Government as blameworthy, I say that exception should be taken to this method of evading the subject at issue and endeavouring to mislead this hon. House by such sophistry and subterfuge.

Hon. Mr. BOULTON—The hon. gentleman must realize that this House has no power to pass such a Bill as to provide for a commission such as the hon. gentleman speaks of.

Hon. Mr. LOUGHEED—It would be rather surprising if a session passed since my hon. friend's advent to this House without his proposing some change of the constitution. Since I have been in the Senate I have not seen a session go by without my hon. friend's suggesting some reform in the constitution, or hearing expressions of his desire to petition the Imperial Parliament for the purpose of carrying out some such proposition. He would be sufficiently equal to the task, judging from past experience in suggesting some means of amending our constitution by petitioning the Imperial Parliament, and had my friend been sincere in his desire that his motive of redistribution should be carried out he could

have resorted to his usual mode of action, as evinced by him last year and the year before, when he wanted representation in the Imperial Parliament, thus necessitating a change in the constitution. It certainly would have been consistent with my hon. friend's record if he had resorted to such means. My hon. friend has pointed out that the reason these particular words were placed in section 51, namely, "by such authority," was to safeguard the electors of this Dominion against the partyism which would naturally be imported into the redistribution of seats, and my hon. friend based his entire argument upon the intention of the Imperial Parliament so safe-guarding the public interests. Now I desire to point out to this House that such an intention was utterly groundless, and was so considered by the mover of the motion when moving same, inasmuch as my hon. friend has expressed by his motion an entirely different expression of opinion. I shall read the whole motion, so that the House may be seized of its whole purport :—

"That when the Bill intituled : 'An Act to readjust the representation in the House of Commons,' is before this House, he will move that it be referred to the Supreme Court for an expression of opinion as to its constitutionality, upon the grounds that Parliament should arrange the mode upon which the redistribution shall be made, while leaving it to experts to carry out its wishes according to clause 51 of the British North America Act."

It is conclusive from the phraseology of this motion that my hon. friend admits that Parliament is authorized to practically do what it has already done ; but that experts should be appointed thereafter—for what purpose — namely, . for merely registering the decrees of this Parliament. Wherein, I ask, would the wisdom be of appointing experts for the purpose simply of registering the decrees of Parliament ? Those experts are not to carry out, according to my hon. friend's motion, their wishes or their own views ; but they are to carry out the views of this Parliament and simply register those decrees. My hon. friend by such admission certainly could not have been apprehensive of the public interest being in any way jeopardized, otherwise he would not have confined the action of those experts to simply carrying out the views of this Parliament. Permit me further to point out to this hon. House that if this Parliament were to appoint a body to refer this particular subject to, that the public interest would no more be insured in this way than by Parliament passing the Redistribution Bill. My hon. friend must easily observe that by his contention there is nothing to prevent this Parliament appointing whatever authority it might choose for the purpose of the reference. If for instance this Parliament should deem it advisable to appoint the Executive as the authority to redistribute, my hon. friend would scarcely contend that the public interests would be safeguarded any better by the Executive performing these functions than by both branches of Parliament exercising the right; and yet it would come within the contention of my hon. friend, and would satisfy the reasons which he has taken against the present action of the Government. My hon. friend need not be apprehensive that after the next general election the courts will in any way attack the constitutionality of this Bill. If my hon. friend can point out to me any instance within his experience or within the history of this Dominion wherein the constitutionality of an Act of Parliament was questioned by the courts, in which the powers of the Provincial or Imperial Governments and the powers of the Federal Government did not conflict, I shall certainly concede to him the probability of the constitutionality of this measure being questioned by the courts ; but in this particular case there can be no antagonism between the Federal and Provincial or Imperial interests, consequently the courts are not going to consider whether it is constitutional or unconstitutional. I would further say, in conclusion, that I cannot conceive of a more humiliating position being adopted by any member of this hon. House or by the Parliament of Canada than that 215 members of the House of Commons and 78 members of the Senate are not able to pass an Act without having to express doubt as to its constitutionality. I cannot conceive that this Parliament will so stultify itself to such an extent as to say to the world that both branches of the Canadian Parliament are unable to come to a conclusion as to whether the powers which are vested in them by the British North America Act can be constitutionally exercised by them or not. If my hon. friend would think for one moment that so humiliating a position could be adopted by the Parliament of Canada he certainly

does not attach that dignity to this body that I myself do. I would further say that it appears most peculiar to me that a quarter of a century has passed by, during which time the greatest constitutional minds that this country has had have sat in both branches of this Parliament and have both discussed and legislated in respect to this question, and yet none until now have taken exception to Parliament having the exclusive right to legislate upon this subject. It appears to me to be one of those cases in which the deity who presides over the deliberations of our constitutional law has hid those things from the wise and prudent, and revealed them unto babes.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Halifax finds a difficulty in the words "such authority." If you will take the British North America Act you will find the authority referred to there is the authority of Parliament. The whole authority referred to throughout the Act is the authority of Parliament. After having said that much, I may say that the hon. gentleman has made a thoroughly honest speech this time. He must have been jerrymandered by the Premier. He has told us that the Liberal party, which is famed for its purity, would do the same thing if they were in power to-day—they would pass an Act like this and take care of themselves as far as they could. He has told us that the Government of Ontario has done the same thing, and that it is a natural thing for people in office to take care of themselves. He has made an honest speech, and a speech not at all opposed to the Bill. With regard to the hon. gentleman from Shell River, who brought forward the motion, I would have thought when he read the pre-Confederation speeches he would have seen that it was the intention of the able and learned men who framed it to leave this whole matter in the hands of Parliament, and that the intention expressed in those speeches was carried out in the British North America Act. That is the common sense view of the matter.

Hon. Mr. BOULTON—I will, in replying, confine myself to the criticisms of the leader of the Government, as time is valuable at the present moment. The hon. leader of the Government in criticising the arguments that I brought forward, confined himself to the words of section 51 of the British North America Act without reference to the intention that was manifest in putting those sections into that Act. The hon. leader of the Government is dealing with the House; if he had been dealing with this question in the Supreme Court I doubt if he would have been as lax in his arguments as he has been this evening. It is not only the wording of the clause that we have to deal with, but it is also the intention. My argument was based entirely on the intention. I showed clearly to this House what the intention was when the resolutions were discussed, and hat the constitutional Act which was passed, giving us our constitution, was under the British North America Act. The intention was clearly different from the original intention of the resolutions of 1865. We have another constitutional point dealing almost with a similar question that is being argued before the Privy Council in England, and that is the National School Bill of the Province of Manitoba. There we have the constitutionality of the position that has been taken by the Province of Manitoba turning upon the wording of a clause—the words "in practice"—how are they to be construed? If we were to take the way the hon. Premier has dealt with this question to-day, probably the position of the Province of Manitoba would be sustained, but we have to take the intention of the putting in of those words "in practice" into the National School Bill. There was a treaty by which certain rights were guaranteed to the people of Manitoba when it was ceded to Canada, and in dealing with that treaty the Manitoba Act was passed. The Manitoba Act is the outcome of that treaty, and therefore it is perfectly clear you have to consider the intention with regard to that particular Act quite as much as the wording of the clause itself. Now, we are in a similar position here. It is not only the wording of the clause—it is the intention of the parties who gave us our constitution—what their intention was in putting in that original clause and changing it from the joint resolution that the Quebec Conference passed. The hon. Premier has shown us that the House of Lords dealt in a certain way with Parliament when Gladstone brought in his Franchise Bill. The difference between the House of Lords and the Canadian Senate is this, that the Government have the power to increase the House of Lords and put in votes into the House of Lords if they attempt to obstruct legislation.

Hon. Mr. MONTGOMERY—So they have here.

Hon. Mr. BOULTON—In the Canadian Senate there is no such power.

Hon. Mr. SCOTT—Six members can be added.

Hon. Mr. BOULTON—According to the position that a great many of the hon. members take to-day, this would not be half enough to make up leeway under the present circumstances. That is the reason why I attach a great deal more importance to the independence of our position in this Senate, and dealing less from a party standpoint, and more from an independent standpoint in the interests of the country. If we deal with these questions from a purely party standpoint as they come up. and yield to the dictates of expediency, a great part of the usefulness of the Senate to the Canadian people is lost, and I say that this is one of those occasions when the independence of the Senate should be exercised, when they should realize the object for which such powers as we possess were placed in their hands. It is not altogether for the purpose of deciding the constitutionality of the Bill—it is for the purpose of bringing prominently before the country the fact that, not only in our Dominion Parliament, but in all our Provincial Legislatures, the power to gerrymander has been exercised, and, as has been shown today, has been exercised very improperly by some of the provinces. Although it is acknowledged that the Bill before us is fair, and has been amended in order to meet the wishes of the Opposition, that is no reason why we should not be alive to the fact that it is a dangerous weapon to put in the hands of any Government the power that they have of gerrymandering the constituencies so that they can control the will of the people and thereby take away from them a portion of their liberties. I will read to you what took place in the State Legislature of New York with regard to just a similar Bill, because some of the hon. gentlemen—the hon. gentleman from Calgary—said it was ridiculous to think that we had not the power, and we were humiliating ourselves to appeal to the Supreme Court, and put Parliament before the highest court in the land in order that we might get an official opinion as to what our constitution may be. I say there is nothing humiliating about it at all. In the Legislature of the State of New York, in 1879, a reapportioning Bill was passed. The Bill was sent to the Governor, who allowed it to become law without his signature. In a message to the Legislature he said in explanation :

"As I peruse its provisions, I find that a proper regard for my official duty forbids me to approve it. For not less explicit than the command to apportion is that other provision that the apportionment shall be made as nearly as may be according to the number of the respective inhabitants of the different localities. Some slight inequalities of population were doubtless necessary in the arrangement of the districts from contiguous territory, but a glance at the map will show that the rank injustice done in almost every district west of the Hudson River had some other cause than a desire for geographical fitness. To specify the localities that are wronged, either in the location or in the population of the Senate districts, would be to call the roll of half the counties in the State. That these wrongs were, in nearly every case, unnecessary, is the common testimony of all who are familiar with the subject. These discrepancies are not to be explained. They admit of no apology or excuse. While for the reasons stated I am not willing to sign the Bill, it is permitted to pass into law by lapse of time, as a lesser evil than a continued neglect of the entire constitutional direction on the subject."

Now, there is the position that the Governor of one of the states of the Union took with regard to a similar question to the one we are discussing. We have another state in the Union, as I mentioned this morning, that appealed to the Supreme Court for the protection of the people and the Supreme Court held that the State Legislature was wrong in its system of redistribution. If the Congress of the United States deal with these questions in that way and do not think it humiliating, where is it humiliating for the Parliament of Canada to submit any points that may be in doubt, not in the minds of one individual but in the minds of the representatives of the people as well as the hon. members of the Senate ? That such an opinion can be had, that such an opinion can in justice be asked for, should bring no discredit on the country ; it can inflict no wrong on the people of Canada, but will set at rest what is at the present moment a disputed point. There is no doubt about it, if the Government of Canada will continue the principle of redistributing the seats in this manner, with the idea of strengthening any Government that happens to be in power at the moment, then I say that it continues to take a downward

step in public morality, and in building up a nation we should take the highest stand in all our legislation. We cannot take away the power from the provinces, but we can set them an example. The hon. leader of the Government has said that it is ridiculous to think that the provinces have powers which the Dominion Parliament has not. Now, I say that the provinces have power which we have not. They have power to alter their constitutions, but the Dominion Parliament has no power to alter its constitution. It must get the power from the Imperial Parliament if it wishes to alter its constitution. I have no doubt that whenever the Parliament of Canada says we want to alter our constitution, and goes to the Imperial Parliament for power to do so, that so long as it does not interfere with any of the treaty rights between the provinces when Confederation was established, that power would be granted to us at once. But the great difference between the constitution of Canada and the constitution of the Imperial Parliament is this—the constitution of the Imperial Parliament is an unwritten one, and draws its inspiration from centuries back, and it is from that power that we draw ours, but which has been definitely given to us under the British North America Act, and we have to keep within the bounds of the constitution as handed down by that Parliament, but in doing so we have all the strength and value of the British constitution at our back.

Hon. Mr. SCOTT—I would suggest to the hon. gentleman to withdraw his motion until after the second reading, and move it as a rider at the third reading.

Hon. Mr. BOULTON—It was my intention to ask permission to withdraw my resolution, so that I can move it as an amendment at the end of the Bill.

Hon. Mr. ALMON—I believe it requires the unanimous assent of the House to withdraw it. I object to the Bill being withdrawn.

Hon. Mr. SCOTT—Objection was taken to it as a point of order, and I rose in my place and called attention to its being out of order, and it was understood that it should be allowed to be amended.

Hon. Mr. ALMON—If that is withdrawn now, all the speeches that have been keeping us here so long will have been for no purpose; therefore, I persist in my objection.

The Senate divided on the amendment, which was rejected on the following vote :

CONTENTS :

Hon. Messrs.

Boulton,	Pelletier,
McClelan,	Power,
McInnes (*Victoria*),	Scott.—7.
O'Donohoe,	

NON-CONTENTS :

Hon. Messrs.

Abbott	Macdonald (*Victoria*)
(Sir John Caldwell),	Macdonald (*P.E.I.*),
Allan,	MacInnes (*Burlington*),
Almon,	Macpherson,
Bolduc,	(Sir David Lewis),
Casgrain,	Miller,
Clemow,	Montgomery,
DeBlois,	Montplaisir,
Dever,	Murphy,
Dobson,	Ogilvie,
Girard,	Perley,
Glasier,	Prowse,
Guévremont,	Read (*Quinté*),
Kaulbach,	Smith,
McCallum,	Snowball,
McDonald (*C.B.*),	Sutherland,
McKindsey,	Tassé,
McLaren,	Vidal.—35.
McMillan,	

The Bill was then read the second time.

HARBOUR COMMISSIONERS, THREE RIVERS, BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (98) "An Act with respect to the Harbour Commissioners of Three Rivers."

(In the Committee.)

On the first clause,—

Hon. Mr. POWER—It seems to me that 6 per cent is a very high rate of interest for a corporation to pay on these debentures ?

Hon. Mr. OGILVIE—If they cannot get it for less, what are they going to do ?

Hon. Mr. POWER—If money can be borrowed at three and a-half per cent, I think six per cent is a very liberal rate to allow.

Hon. Sir JOHN CALDWELL ABBOTT—I desire to propose an amendment to this first clause, with reference to the rate of interest, and instead of six per cent to make it five per cent, and a sinking fund of one per cent to pay off the capital.

Hon. Mr. KAULBACH—The debentures will be held by the Government, I suppose ?

Hon. Sir JOHN CALDWELL ABBOTT—No; the Government are not going to make the advance.

The amendment was concurred in.

On the fourth clause,—

Hon. Mr. POWER—Why should the country give these harbour commissioners eighty-two thousand dollars?

Hon. Sir JOHN CALDWELL ABBOTT—It does not give the $82,000 to Three Rivers. The $82,000 was advanced to the harbour commissioners of Three Rivers long ago, and they are unable to pay the interest on it, much less the capital, for the expenditure of that sum leaves the harbour entirely unfinished, and they are unable to make the work profitable. The concession that the Government makes to them is on condition that they pay off the interest overdue now, and if they can effect a loan of this money they will be able to put the harbour in a paying position, so that they will be able to pay the interest on both the old loan and the new one.

The clause was agreed to.

Hon. Mr. OGILVIE, from the committee, reported the Bill with an amendment.

The amendment was concurred in, and the Bill was then read the third time and passed.

THIRD READING.

Bill (67) "An Act respecting the Voters' Lists of 1891." (Sir John Caldwell Abbott.)

GENERAL INSPECTION BILL.

AMENDMENTS OF THE HOUSE OF COMMONS CONCURRED IN.

Hon. Sir JOHN CALDWELL ABBOTT moved concurrence in the amendments made by the House of Commons to Bill (N) "An Act further to amend the General Inspection Act." He said: The amendments to this Bill are mostly purely verbal, except one which inserts a clause fixing the maximum inspection fee, instead of the fee itself, as was done in the Bill presented to the House. Another important change was including the article cheese in the inspection. It was stated here, and believed when the Bill passed this House, that cheese was included in the General Inspection Act; but it appears that it is not specially provided for.

Hon. Mr. SCOTT—The inspection is permissive.

Hon. Sir JOHN CALDWELL ABBOTT—Yes; it is permissive.

Hon. Mr. KAULBACH—Is there any tariff?

Hon. Sir JOHN CALDWELL ABBOTT—No; there is no tariff; but it is provided that the Government may fix a fee not exceeding 10 cents.

The motion was agreed to, and the amendments were concurred in.

The Senate adjourned at 10.05.

THE SENATE.

Ottawa, Wednesday, July 6th, 1891.

The SPEAKER took the Chair at 11 a.m.

Prayers and routine proceedings.

THE HARBOUR OF ST. JOHN.

INQUIRY.

Hon. Mr. WARK inquired,—

Has any application been made to the Government for an addition to the proposed loan to the Harbour Commissioners for the harbour of St. John? If so, did the application come from the City Council? If not, from whom did the application come?

Hon. Sir JOHN CALDWELL ABBOTT—In answer to the first branch of my hon. friend's question, I have to say that there has been an application to the Government for an addition to the proposed loan to the extent of $250,000, making in all a loan of $1,000,000. The application was made by the representatives of the city and county of St. John.

Hon. Mr. KAULBACH—Do you suppose the security is a good one?

Hon. Sir JOHN CALDWELL ABBOTT—The Bill will be in this House either to-day or to-morrow, and I will have an opportunity of answering my hon. friend at length, but I understand the security is considered a good security.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of Bill (89) "An Act further to amend the Dominion Lands Act."

Hon. Mr. MACDONALD (B.C.)—The part of the Act to which I wish to call attention is sub-section 5 of section 3, which deals with pre-emption claims. It says that there are two classes of claims that settlers can hold in the North-West. The curious part of the clause is that if the settler declines to pay the pre-emption money then it is forfeited, and he himself can come in and enter his pre-emption claim as a homestead. The demand for payment in that case, of course, would be inconsistent, because he is able to take over his own land free. First of all, the demand for payment is made, and if he neglects to pay he then gets it free. But I am instructed by the chief clerk of the department that this is done to allow the people to get the title at once. The clause is a very clumsy one. Of course the conditions attached to a homestead are rather severe ; there is a great deal to be done, a number of acres to be ploughed, so some people might prefer to get the claim at once and be in a position to sell out. It may be too late to alter the clause now, but it would be almost preferable to say that a settler holding a pre-emption claim under this Act may signify his intention to enter the lot under a homestead entry.

Hon. Sir JOHN CALDWELL ABBOTT—I put my hon. friend in communication with the department with a view of having a full explanation and discussion of this clause, and I was informed that my hon. friend was satisfied with the explanation given. I did not myself go into the details of the question which my hon. friend put, but I can state with regard to the form of the clause that the department have had a great deal of experience with homesteaders on almost every imaginable point, and I can assure my hon. friend they display a degree of acuteness in such matters that is quite surprising. The department have taken the greatest possible pains to frame this clause to meet every difficulty that may occur. I think my hon. friend will find the clause will work satisfactorily.

Hon. Mr. MACDONALD (B.C.)—I think with the instructions from the department it will.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend from Halifax spoke of placing the rules and regulations made under this Act before the House, and, as I stated, I would enquire what the rule is with regard to those regulations, and that those provided for by this Act, should be placed on the same footing as other rules and regulations of the same character. I find that the Act itself by the 91st clause makes the provision which my hon. friend suggested.

The motion was agreed to, and the Bill was read the third time and passed.

CRIMINAL LAW AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called for the second reading of Bill (7) "An Act respecting the Criminal Law,"

Hon. Sir JOHN CALDWELL ABBOTT said : With respect to this Bill our friends in the House of French extraction were entitled, by the law and practice of the country, to have Bills submitted to this House printed both in French and English before being proceeded with, and I have proposed to them that during the discussion in the Committee of the Whole, if we should meet with any matter or clause that they desire to have printed in French, that clause will be suspended and printed in French and laid on the Table the following day, and, moreover, that before the Bill passes, the French translation shall be distributed. My hon. friends are satisfied, as they usually are with any reasonable proposition, and, I understand, make no further objection to the Bill being read for the second time.

Hon. Mr. SCOTT—I was under the impression the Bill was not to go on to-day, and I have not got my papers here. I should like to have it stand over until the next sitting of the House.

Hon. Sir JOHN CALDWELL ABBOTT assented, on condition that no objection would be made to going into committee immediately.

The Order of the Day was discharged, and the Bill was allowed to stand for second reading at the afternoon sitting.

CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

Hon. Mr. READ (Quinte) moved the adoption of the second report of the Select Committee on the Contingent Accounts of the Senate.

Hon. Mr. POWER moved that the seventh and eighth paragraphs of the report relating to dispensing with the services of three pages be amended by substituting two for three. He explained that the committee had decided to dispense with the services of three of the oldest pages, but that they had also decided to appoint another. It would be simpler and better to dispense with the services of only two and make no appointment. There was no object in dismissing three of the pages with a view of having the place of one of them filled by a stranger next session.

Hon. Mr. KAULBACH suggested that the proper course would be, after a page became too old to act in that capacity to give him the option of being appointed a messenger of the Senate. The pages would be better trained in the business of the House and would know the members, and they should be given a preference over outsiders.

The amendment was adopted.

Hon. Mr. CLEMOW said he disapproved of increasing the salary of any one of the messengers singly. If it were advisable to increase the salaries it should be done on a fixed principle, and not discriminate in favour of any one particular messenger. He moved that clause 5 be expunged from the report.

Hon. Mr. KAULBACH objected to the manner in which the stationery is now distributed. He thought that the stationery could be dispensed with altogether. The Senate was now paying over $2,000 in salaries for distributing of $5,000 worth of stationery here. It was actually a waste of public money. Although practically he used as much writing paper as any other member of the Senate, he would prefer to see the stationery dispensed with altogether, and let each member get a certain allowance for stationery, and provide what he actually required. He believed that $10 would supply each member of the Senate with all the stationery that he required.

Hon. Sir JOHN CALDWELL ABBOTT thought that the remarks of the hon. gentleman about the stationery had a good deal of force, and he sympathized with him, but that could not be dealt with in this report. He hoped that the hon. gentleman from Lunenburg would be satisfied with having entered his protest against the present system, and withdraw his objection, and let the report pass.

Hon. Mr. CLEMOW said he was satisfied to withdraw his objection, but he thought it only right to enter the protest. The committee should act on some fixed principle, and there would be no difficulty of this description. He thought it ridiculous, however, to pay $2,000 a year to manage a business with a capital of $4,000 or $5,000. If any man conducted his business in that way he would not remain long at it.

The motion was agreed to, and the report was concurred in.

THE REDISTRIBUTION BILL.

THIRD READING.

Hon. Sir JOHN CALDWELL ABBOTT moved that Bill (76) "An Act to readjust the representation in the House of Commons" be taken into consideration in the Committee of the Whole.

Hon. Mr. POWER—I referred to the mode in which the redistribution was effected in England, but I had no authorities by me at the time, and I just wish now to refer to them. I spoke of what had been done in 1867-68 at the time Mr. Disraeli's Bill went into operation. With the permission of the House I will read section 48 of chapter 102, of the Act of 1867 :—

"The following persons, that is to say, the Right Honourable Russell Gurney, Sir John Thomas Buller Duckworth, Baronet, Sir Francis Crossley, Baronet, and John Walter, Esquire, of whom not less than three shall be a quorum, shall be appointed Boundary Commissioners for England and Wales, and they shall, immediately after the passing of this Act, proceed by themselves or by assistant commissioners appointed by them, to inquire into the temporary boundaries of every borough constituted by this Act, with power to suggest such alterations therein as they may deem expedient."

That was the course that was adopted in 1867 and 1868. The Bill of 1868 confirmed the report of those commissioners. In 1885 Mr. Gladstone's Government appointed a commission, the names of the members of which were, as the Premier said, submitted to the leaders of the Opposition. The commissioners were satisfactory to both parties and their instructions were as follows :—

"They shall also inquire into the boundaries of every other borough in England and Wales, except such boroughs as are wholly disfranchised by this Act, with a view to ascertain whether the boundaries should be enlarged, so as to include within the limits of

the borough all premises which ought, due regard being had to situation or other local circumstances, to be included therein for the purpose of conferring upon the occupiers thereof the parliamentary franchise for such borough.

"They shall also inquire into the divisions of counties as constituted by this Act, and as to the places appointed for holding courts for the election of members for such divisions, with a view to ascertain whether, having regard to the natural and legal divisions of each county, and the distribution of the population therein, any and what alterations should be made in such divisions or places.

"The said commissioners shall, with all practical dispatch, report to one of Her Majesty's Principal Secretaries of State upon the several matters in this section referred to them, and their report shall be laid before Parliament.

"The commissioners and assistant commissioners so appointed shall give notice, by public advertisement, of their intention to visit such counties and boroughs, and shall appoint a time for receiving the statements of any persons who may be desirous of giving information as to the boundaries or other local circumstances of such counties or boroughs, and the said commissioners or assistant commissioners shall, by personal inspection, and such other means as the commissioners shall think necessary, possess themselves of such information as will enable the commissioners to make such report as herein mentioned. 30 and 31 Vic., chap. 102, p. 1098."

The point to which I wish to direct attention particularly is this: the greatest care was shown in the instructions to the commissioners, and it is apparent that the commissioners took the greatest pains to do the work in the fairest and most satisfactory manner possible. These commissioners report then as to the result of their duties:

"Public notice by advertisement in the local newspapers has been given of each inquiry, and we inserted in the advertisement a description of the contents of each proposed division. A map showing the boundaries of the divisions was at the same time deposited with the clerk of the peace of the county for public inspection.

"The inquiries have been numerously attended; many of the most influential persons in the county have been present and taken part in the proceedings, and the different political associations have almost always been represented by their agents. It is satisfactory to note that the discussions which took place on these occasions were distinguished by a very general absence of anything like a display of party feeling.

"The result has been that we have obtained much valuable local information, which has enabled us to improve some of our provisional schemes in important particulars."

That is the way the redistribution was done in England. The hon. gentlemen may laugh, but here we have the report of the commissioners in both cases.

Hon. Sir JOHN CALDWELL ABBOTT—Nothing of the sort at all. They did not make the redistribution.

Hon. Mr. POWER—Nothing of the sort? We have the statute in both cases. The statute tells how the work is to be done. Then we have the report of the commissioners telling how they did the work, and the hon. gentleman says "Nothing of the sort." We have been in the habit of thinking that English statutes mean something. It has not been the habit of hon. gentlemen in this House to treat the statements of Englishmen of position in that way, and if this Government in redistributing in Canada had adopted anything like the course pursued in England there would never have been a whisper of complaint.

Hon. Mr. KAULBACH—Parliament gives the advice and directs the manner in which this work is to be done. Parliament in England may not feel that they have the technical knowledge to do that work, and therefore leaves it to persons who have that technical knowledge. It is simply clerical work the commissioners have to do, and whatever they do has to be reported to Parliament, and approved by Parliament. All Parliament does is to relieve itself of some mechanical work that it has no desire to do itself.

Hon. Mr. SCOTT—I wish to read the instructions given to the commissioners. These instructions are embodied in the report. That report was adopted and crystalized in an Act of the Imperial Parliament:

"In forming the divisions care must be taken in all those cases where there are populous localities of an urban character to include them in one and the same division, unless this cannot be done without producing grave inconvenience, and involving boundaries of a very irregular and objectionable character.

"Subject to this important rule, each division should be as compact as possible with respect to geographical position, and should be based upon well known existing areas, such as petty sessional divisions, or other areas consisting of an aggregate of parishes."

Hon. Sir JOHN CALDWELL ABBOTT—I find in the statutes that the divisions are fixed by the Legislature itself.

Hon. Mr. POWER—If the hon. gentleman will excuse me, these commissioners reported and the boundaries as reported by them were inserted in the schedules of the Act. In 1885 the commissioners reported in February, the Act was passed in May or June, and their report was embodied in the schedules of the Act.

Hon. Sir JOHN CALDWELL ABBOTT—I thought my hon. friend was speaking of the Act of 1885.

Hon. Mr. SCOTT—That is the basis of it.

Hon. Sir JOHN CALDWELL ABBOTT—I perceive the Bill was passed in June, 1885. What was the date of the report ?

Hon. Mr. POWER—The report is in February, 1885.

Hon. Sir JOHN CALDWELL ABBOTT—I shall take an opportunity of looking at this report before the Bill is finished. I find, in the Act, that the distribution is made by the Act itself, and that the divisions are placed in the schedules. The schedules refer to the boroughs and counties by name, and the commission, I understand, settled the boundaries of those divisions of boroughs and counties. Everybody knows the difference between the boundaries of boroughs and counties in England, and of the boroughs and counties here. Here there is no difficulty at all in adjusting the boundaries. In fact we use and adopt the boundaries of municipal divisions. There are parishes also in the Province of Quebec, and townships elsewhere, and, in every case, the boundaries of parishes and townships are adopted as defining the counties so that there is no necessity at all to have any verification. My hon. friend read, I think, the Act appointing this commission ; and the instructions and powers which were given to that commission were to verify the boundaries of the boroughs and counties.

Hon. Mr. POWER—No.

Hon. Mr. SCOTT—No ; you have it before you.

Hon. Sir JOHN CALDWELL ABBOTT—That is the precise language which the hon. gentleman read. It was to verify the boundaries of the boroughs and counties.

Hon. Mr. SCOTT—They were to define the electoral districts.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend did not read that paragraph. My hon. friend did not read anything from the statute at all. He read something from the report of the commissioners which really conveys no decisive meaning as to what their powers were ; but my hon. friend, as I understood, read from the book the power given to these commissioners, and the power which he read was that they were to verify the boundaries of the boroughs and counties, and I have no doubt it was an admirable commission and admirably worked out. But what I meant to say to my hon. friend on that subject was not in any way intended to be offensive to him, but merely to express my opinion that the duties of this commission bear no analogy whatever to the duties which this House is performing and which the British House of Commons performed in declaring what shall be the electoral divisions which shall have representation in that House and in this House respectively. I have not read any of the books to which my hon. friend has referred, but I will take an opportunity of doing so before the Bill passes the final stage. However, that is the impression conveyed to me by what I have heard from the other side.

Hon. Mr. POWER—I will now read from Gladstone's speech.

Hon. Sir JOHN CALDWELL ABBOTT—I see nothing in the statute of 1885 appointing this commission.

Hon. Mr. SCOTT—They were appointed by the Government.

Hon. Mr. POWER—The hon. gentleman has taken the position that the House fixed the boundaries and the duty of this commission was merely to identify the boundaries fixed by Parliament.

Hon. Sir JOHN CALDWELL ABBOTT—Did my hon. friend read from the statute anything appointing this commission ?

Hon. Mr. POWER—I read from the Act of 1867 appointing the commission under Disraeli.

Hon. Sir JOHN CALDWELL ABBOTT—Then my hon. friend has not read from anything appointing this commission.

Hon. Mr. POWER—No ; but I find in the English *Hansard* that Mr. Gladstone is reported as follows :

"Sir, there is only one other important point ; but I need not enter into details with

regard to it. I mean the question of boundaries. There will be much work to be done with regard to the boundaries under this Bill. The constitution of a large number of electoral districts will leave a great deal to be done; but that to which the attention of the House will no doubt be principally directed will be the question of the boundaries of the larger towns. These boundaries will be carefully considered, and I think I had better not attempt any minute description which, after all, would fail of its purpose. The best thing I can say is that a commission has been appointed for the purpose. The division of the boroughs, and the fixing of the county districts, will be under a commission, which has been appointed; and perhaps I might not do ill—since, after all, confidence in the commission is a very important matter—if I ventured to read the names of the commissioners to the House. For England the names are: Sir John Lambert, Mr. Pelham, barrister-at-law, Sir Francis Sanford, Mr. Joseph John Henley, the son of a former well known member of this House, Colonel Owen Jones, and Major Hector Tulloch. This boundary commission is already at work, and, being at work, it is reckoned that its labours will occupy, perhaps, about two months. There must be a considerable recess, after our autumn labours, before the House re-assembles. There are the intermediate stages of the Bill to be gone through; and we have no doubt that in committee on the Bill, or by a re-commital of the Bill for that purpose, there will be no difficulty in inserting the results of the labours of the commission, so that they may be brought under the direct judgment of the House."

That was done, and the result of the labours of the commission appear in the Bill.

Hon. Mr. LOUGHEED—The labours of this commission were directory. They were merely authorized to report and to make a certain recommendation to the House, and that report was adopted.

Hon. Mr. POWER—There are none so blind as those who will not see.

Hon. Mr. SCOTT—The report is contained in the volume we have before us, and in it the commissioners give the division of all the counties and boroughs and electoral districts in England, and that report was adopted without any change whatever.

Hon. Mr. BOULTON—Without any amendment.

Hon. Sir JOHN CALDWELL ABBOTT—There has not been a word read from any book by hon. gentlemen opposite to show that the Government entrusted to those commissioners the redistribution of the country, or to show that they had a discretionary power in dividing the country up into electoral districts. They were to inquire into and verify the boundaries. It is very probable that the Bill, as introduced, named the boroughs and counties, or ordered that they were to be divided, and in what manner and proportion, to the commissioners, and then those commissioners were to define the boundaries that were assigned to them. That is, however, only conjecture.

Hon. Mr. POWER—I must ask the hon. gentleman not to attribute to me language which I have not used. I have not read anything to the effect that these commissioners were to verify the boundaries.

Hon. Sir JOHN CALDWELL ABBOTT—As it appears from what my hon. friend has just read, Parliament had by a Bill made a redistribution of the whole country into boroughs and counties and they appointed these commissioners to verify the boundaries.

Hon. Mr. LOUGHEED—Parliament defined the temporary boundaries and then referred them to this commission.

The motion was agreed to, and the House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On section "s,"—

Hon. Mr. SCOTT—Before we leave the clauses referring to Ontario I should like to refer to a matter which has been spoken of in this debate several times, that is the gerrymander of Huron. I find, on looking up the history of that measure that the Bill passed its second reading without any opposition. On the third reading of the Bill a number of amendments were introduced, but to argue that there was a serious fight on the Bill is not true in any sense. There was no disturbance of county lines.

Hon. Sir JOHN CALDWELL ABBOTT—On that occasion I presume the Conservatives in opposition did as they always do, they submitted the arguments which they thought were tenable. They did not take up the time day after day and week after week reading books and retailing stale editorials. I had a letter three or four months ago while this Bill was under consideration and before the census came up from one of the most distinguished men in Ontario.

Hon. Mr. SCOTT—Goldwin Smith ?

Hon. Sir JOHN CALDWELL ABBOTT—No, not Goldwin Smith ; and in the communication he gave me his opinion of distribution Bills. He said : "I presume the object of most distribution Bills is the same, that is, to benefit the party that brought them in ;" and he said : "Sir John's distribution Bills and Mr. Mowat's were on a par in that respect, with this difference, that Sir John's Bill failed in its object, while Mr. Mowat's Bill was scientifically perfect, and carried out the purpose for which he introduced it." As to the division of the counties my hon. friend is quite right, I think, in saying that for the most part Mr Mowat did not abandon boundaries of counties ; but Mr. Mowat cut townships in two.

Hon. Mr. SCOTT—There is no instance of a township being cut in two.

Hon. Sir JOHN CALDWELL ABBOTT—I am informed that in Ontario townships have been cut in two. That is the statement which Ontario men repeat, and I have never heard it contradicted before.

Hon. Mr. SCOTT—One of the main points in that was the introduction of a new principle, that is, the representation of the minority. The best answer to the objection that was made to the introduction of that principle was given the other day. There was a square election in Toronto between a Mowat candidate and an Opposition candidate, and on that occasion Sir Oliver Mowat's candidate was elected by a sweeping majority.

The section was concurred in.

On section "b," Quebec,—

Hon. Mr. SCOTT—With regard to the county of Ottawa, I have had several letters appealing to me that inasmuch as we are naming the western division of the county of Ottawa after a very distinguished gentleman, Mr. Wright, who comes from a family whose names have been prominent in the county since it was first settled, and as there is also a very distinguished family who had their residence in the other end of the county and who have continued their residence there, and whose seigniory it was—I refer to the Papineau family—there is a desire that the eastern division should be called Papineau. In calling the western division Wright, in compliment of the family of Wright, we should call the other divsion Papineau in compliment to the Papineau family. I merely make the suggestion.

Hon. Sir JOHN CALDWELL ABBOTT—The suggestion was made to myself when the Bill was before the other House, and I submitted it to my colleagues from Lower Canada. I had the same feeling as my hon. friend, that perhaps the name of Papineau was more widely known, and consecrated to some extent by history and was more prominent than that of Labelle, while as to the faults or failings of Papineau, lapse of time had covered them up. But the impression I found to prevail amongst my colleagues in Lower Canada was that they preferred the name of Labelle, as representing Father Labelle, who was certainly distinguished more than most Canadians in promoting the settlement of the country. He was known as "The Apostle of Colonization," and had devoted his energies and talents towards the settlement of the back portions of this county, repatriating his fellow-countrymen and extending settlement in Canada, and very largely in this county. For that reason my colleagues in Quebec prefer to retain the name of Labelle.

The section was concurred in.

On section "k," Quebec,—

Hon. Sir JOHN CALDWELL ABBOTT—I have a word to say about Montreal. I have received since yesterday a corrected report from the Census Commissioner, Mr. Johnson, in which he makes a small difference in the computation of the nationalities. He makes the English proportion slightly larger, and the French portion a little smaller, but not so as to materially affect the division made of Montreal. I wish also to add a word or two that I intended to say yesterday on that subject, namely, that, in point of fact the counties whose representation has been diminished for the purpose of making increased representation for Montreal ere all French counties. No English county was affected by any change for the purpose of increasing the representation of Montreal, so that the representation of the French nationality is not affected by the change.

The section was concurred in.

On section "a," Nova Scotia,—

Hon. Mr. POWER—I do not rise for the purpose of finding any serious fault with this enactment, but rather for the purpose of expressing my regret that another mode of tak-

ing away from Nova Scotia the member which was lost had not been adopted. Nova Scotia received two additional members in 1871, I think. One of these was given to the county of Pictou and one to the county of Cape Breton. At that time there was a discussion in the other House, and a motion was made by one of the members for Halifax, that one of the additional members should be given to the county of Halifax, which was entitled to it. That motion did not prevail, and an additional member was given to the county of Cape Breton. The county of Cape Breton has a population of 34,000, an that county has two members, and the county of Shelburne and Queen's, taken together, has not as large a population as the county of Cape Breton. They are two independent counties, and I think it is to be regretted that these counties should cease to have independent representation in the House of Commons. I think if the member given to the county of Cape Breton some years ago had been taken away again, that the ends of justice and the interests of the province would have been served just as well. The county of Queen's is one of the oldest counties in Nova Scotia. I think if it was not constituted a county in 1758 when we first had a Legislative Assembly in Nova Scotia it was shortly afterwards. The county of Shelbourne was taken out of the western part of Queen's some twenty years after. The county of Queen's has been represented by some very distinguished men, amongst others, about one hundred years ago, by the Attorney General of that day, Richard John Uniacke, who was the first person of whom we know anything who suggested the union of the British North American provinces. The county of Shelburne was at one time a very populous county. A large number of U. E. Loyalists came over after the American war, many of them intelligent men, and settled there ; and I think it is rather to be regretted that the independent separate existence of these counties has come to an end. On this point I wish to read a few observations made by the late Premier in connection with the report and the Act of 1872. Sir John Macdonald said :

"He believed that the House generally agreed with him that the county organization should be preserved as much as possible. He had observed this principle, and no county in Ontario had been split up. It was intended that the Bill should not destroy any constituency now existing. If the matter were done he could not say that Niagara or Cornwall would have a member, but they were established in 1791, and on a subsequent occasion so averse were the Government of the day (the Baldwin-Lafontaine) to extinguish them, that they attached to them the townships immediately adjoining, so as to justify them continuing to have a representative. This principle is one that obtained in England, and a constituency was seldom destroyed that had not by bribery or corruption, or some other means, forfeited all claim to consideration. If this principle of not sweeping away existing constituencies were acknowledged, the measure would be found a good one."

Those views expressed by the late Premier are my views and I think those views, if entertained by the present Government, would have prevented them from consolidating those two counties of Queen's and Shelburne, and the course which I think might have been adopted would have been no injustice to any part of the province. Although the county of Cape Breton has a population in excess of the 23,000, still there are four counties in Cape Breton island. It has been generally felt that the interest of the different counties in the island are practically identical. The cry in old Nova Scotia was "justice to Cape Breton." If the hon. gentleman will take the population of the four counties in the island of Cape Breton, and add them together, and divide by the unit of 23,000 he will find that the four counties are just entitled to four members and no more, so that the island of Cape Breton would have been fairly represented if the member which was to be taken from the Province of Nova Scotia had been taken from Cape Breton, and not from the counties of Queen's and Shelburne. I am not finding any particular fault with the Government in the matter, because the course they have taken is defensible on the ground of population. Shelburne and Queen's have nearly the same population as the counties of Victoria and Richmond in the island of Cape Breton, but I think it is to be regretted that these historical counties should cease to continue to have the representation which they have had for over 100 years, and particularly as the end sought might have been reached by the way I have indicated.

Hon. Mr. McDONALD (C.B.)—The hon. gentleman from Halifax regrets that one of the members has not been taken from the island of Cape Breton. The hon. gentleman's father, in the House of Commons in 1872 moved a resolution to the same effect. This

would be an injustice to the island of Cape Breton. If that was done the unit of representation on the island of Cape Breton would be something like 22,000, while the unit of representation in Nova Scotia proper would be less than that—that is not counting the city of Halifax in the representation of Nova Scotia proper. Cape Breton island has been a province of itself—had a Legislature of its own, a government of its own long before Queen's and Shelburne existed. The hon. gentleman referred to a distinguished representative in the Local Legislature of Nova Scotia, a Mr. Uniacke. If I am not mistaken he had to leave Nova Scotia and come to Cape Breton island, and had to defend Cape Breton island in the Legislature there against Nova Scotia proper.

Hon. Mr. POWER—That was his son.

Hon. Mr. McDONALD (C.B.)—The son, if I am not mistaken, was worthy of his father. I remember rightly, in the history of Nova Scotia, where he had to defend Cape Breton from the attacks of some members of the Nova Scotia Legislature, at that time, and when a Nova Scotia member at one time compared Cape Breton island to a pig's tail, Mr. Uniacke replied that it was more like a gold ring in a pig's snout. I think it would be highly unjust to the island of Cape Breton to deprive it of one of its members, considering the influence that exists in Nova Scotia proper. It has a Legislature of its own, and a government of its own. It has the city of Halifax, and it is well known that the influence of Halifax has always been exercised against Cape Breton island. Nova Scotia proper has its representatives in the House of Commons and in the Dominion Cabinet, and from the remarks of the hon. gentleman from Halifax it would seem that he would like to reduce the influence of Cape Breton still lower.

Hon. Mr. KAULBACH—I suppose the hon. gentleman from Halifax would oppose the Government no matter what legislation they might offer. In any case he would consider that they were open to criticism. If ever a Government was blind against the interest of Confederation it was the Government of Nova Scotia. I believe that the Dominion Government, in this case, might have so redistributed the representation, that instead of losing the member which they will lose by it, according to the return of the last election, they would gain one. If King's, Queen's and Shelburne had been equally divided into two constituencies by natural boundaries the Government would have secured a member instead of probably losing one, and I have heard people from Nova Scotia say that they cannot understand why the Government should be so recreant to the interests of their party as to do what upon the face of it will deprive that province of one member to represent it, as a supporter of the Government. Really it could not be done. It would not be just or fair. It would be open to remark, and it might be said that the readjustment was not fairly made. My hon. friend could not on any principle justify such a thing if it had been done. As regards historical associations, that has nothing to do with it. The Government are bound to adjust the representation fairly. The counties of Queen's and Shelburne are as nearly identified in interest and pursuits as any two counties can be. There is no conflict in the industries of those two countries, and although I think the Government has not fairly looked at the interests of the representation from those two counties, in joining them together, yet there is no complaint, but on the contrary the people say the Government have acted so fairly as to prejudice their own party in the representation of the province.

Hon. Mr. ALMON—The conduct of my colleague in finding fault with what the Government has done, and suggesting what they should do (which he would not be more pleased at than with what they have done), reminds me of a story about a soldier who was once sentenced to be flogged. When he was tied to the triangle and the drummer struck him with the whip, he said, "Oh, don't strike there." The whip was applied to another part, and he said, "Don't strike there," The same remark was made after every blow; finally the drummer threw down the whip and said, "Damme if I know how to please you; you complain wherever I hit you."

Hon. Mr. POWER—I suppose it would be almost impossible that I should say anything which would not provoke the hostility of the hon. gentleman from Lunenburg. I did not say a word about politics in the few remarks I made about Nova Scotia. I expressed a regret, rather from the historical and sentimental point of view. I do not think there is any political interest involved in the matter. I do

not think the political aspect of things will be affected by the changes made in Nova Scotia at all.

The clause was adopted.

On the 5th clause,—

Hon. Mr. POWER—The Government have had regard to the old practice in the case of St. John city and county, although there does not seem to be any substantial reason for the practice. In the case of St. John city and county, there were two members for the city and county and one member for the city alone. Now, the natural thing to do in making a change taking away one member would be to say that the city and county of St. John should return two members. That is not done. I am not finding any fault with it. I am only pointing out that the Government have had regard to the old practice. It does not seem fair that a voter in the city should have two votes while the voter in the county should have only one, but the Government have had regard to the practice in this case, and I think they should in the other too.

The clause was adopted.

On the 6th clause, sub-section "b,"—

Hon. Mr. POWER—I do not propose to discuss the division of Prince Edward Island, but looking at the map which is lying on the Table, one can see that, as regards the mere physical appearance of the constituencies, it would be much improved if district 24, which has been placed in the eastern division, had been placed in the western. Any hon. gentleman looking at the map will see that district 24 belongs geographically to the eastern rather than to the western district. It is alleged that the line has been run that way for the purpose of taking in a strong Conservative district. The geography is rather against the Bill in this particular case.

The clause was adopted.

On the clause relating to Manitoba,—

Hon. Mr. BOULTON said: I wish to make a motion with regard to Marquette, and that is that the name of the eastern division be Portage la Prairie, and the western division Macdonald. The reason I propose this amendment is that I have received a memorial from the town of Portage la Prairie asking that these changes be made. Portage la Prairie is the name of one of the oldest historical settlements in the North-West Territories. It is the name of the town, the name of the municipality, the name of the county and the name of the land registration district, and the people of Portage la Prairie are anxious to preserve their name in the representation of the country. The name of Brandon was given to a western constituency, and therefore I would ask that this House would let this amendment pass and the name of Macdonald be given to the western division. The western division would be proud to have the name of that distinguished statesman.

Hon. Mr. MACDONALD (B.C.)—Is there not a similar county named Macdonald in Manitoba?

Hon. Mr. BOULTON—No.

Hon. Mr. SCOTT—There is a county called Macdonald.

Hon. Mr. BOULTON—Marquette has been divided into two constituencies. The original name of Marquette has been retained in the western, and Macdonald given to the eastern division. What I want is to have the name of Portage la Prairie given to the eastern division and Macdonald to the western.

Hon. Mr. ALMON—Why not retain the names Portage la Prairie and Marquette?

Hon. Sir JOHN CALDWELL ABBOTT—This proposal was submitted while the terms of the Bill were under discussion, and it was taken into consideration by the members for Manitoba. The present arrangement was sanctioned by every member from Manitoba, excepting Mr. Watson, who was not present at the discussion, but the others unanimously agreed upon the names to be placed in the Bill, and were not disposed to acquiesce in the proposal which my hon. friend now submits to the House. Therefore I think the House should not alter the names contrary to the wishes of the Manitoba representatives.

The motion was declared lost and the clause was adopted.

On the 8th clause,—

Hon. Mr. McINNES (B.C.)—I do not rise for the purpose of offering an amendment to this clause—in fact, I am strongly in favour of it, and have been all along—but I think that the Burrard electoral county is not sufficiently defined by the Bill. I find by reference to the Mineral Ordinance of 1869 that it is in the 43rd section of that Ordinance:

"Mineral lands for the purpose of this Ordinance shall mean and include the waste

lands of the Crown, of the Province of British Coulmbia, including Queen Charlotte Island and such other portions of said colony as shall be brought within this Ordinance by proclamation by the Governor in that behalf."

Now, I would draw attention of hon. gentlemen to the fact that one of the proposed divisions has to retain the name of New Westminster, and further, that it is divided into townships, and I think it would be very much better if those township lines were followed instead of referring to this Ordinance of 1869. I think it will complicate matters and probably lead to a good deal of trouble in issuing the proclamation and holding the election for the House of Commons. I am very glad indeed that the district of New Westminster has been divided, and that each district will return a single member instead of two, as at the present time in Victoria, and some other five or six constituencies in the Dominion of Canada. I hold that every constituency ought to return one member, and one only, so I highly approve of the adoption of the New Westminster district. I merely throw out this suggestion for the consideration of the Premier, and if he is not in a hurry to pass this Bill he should consult the local maps and adopt it.

Hon. Sir JOHN CALDWELL ABBOTT—This subject also was very carefully considered by the members from British Columbia, and it was thought best to adopt the description of the section which was contained in the public document issued under the laws of British Columbia, and with which, presumably, everybody in British Columbia is familiar. It is not the Act which my hon. friend refers to that describes the division: it is a certain notice issued by the local office in 1869. That is the notice that defines the boundaries of this district, as far as it goes, and that definition is completed by the latitude and longtitude. I do not think anything could be clearer. It is evident that the people of British Columbia prefer that description to making up a description composed of thirteen counties.

Hon. Mr. POWER—Why was not that description inserted in the Bill?

Hon. Sir JOHN CALDWELL ABBOTT—It is not at all uncommon to refer to the local law to define the particular district or territory, and constituting that an electoral district division, because that is the law which people are presumably acquainted with. That was the opinion of the whole of the members from British Columbia, without exception, in the other House, and this description was not only submitted to them but prepared by them in the first instance, and submitted to them after it was corrected and passed unanimously.

Hon. Mr. McINNES (B.C.)—I had considerable conversation with a representative of that section in the other House before the division was made, and since that I have tried to get a copy of that notice but failed and the only thing I find that refers to it is the ordinance of 1869. However, I am not raising any serious objection to it, and I merely throw out a suggestion to the Premier.

The clause was adopted.

On the preamble,—

Hon. Mr. PERLEY—I want to call the attention of the House to the fact that we have not fairly dealt with Portage la Prairie. It is an important town. I am not at all interested in Portage la Prairie, but I recognize its importance, and when we were giving one of the Manitoba districts the name of Brandon I think it would have been but fair to have another named Portage la Prairie. Mr. Watson was not in the House of Commons at the time this matter was discussed, and perhaps the other members from Manitoba did not pay much attention to that clause. It would be only fair, at any rate, to adopt the suggestion of the hon. member from Shell River. I am strongly in favour of calling one division Macdonald, but I am equally strongly in favour of calling the other Portage la Prairie. I think it would be in the interests of the Government to do that, because Portage la Prairie in an important place. If we accede to that request it will please all the people; if you do not, all parties there will resent it strongly. If you adopt the suggestion you will be doing what is fair and right.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will see that while he evidently considers it should be changed, the whole representation of Manitoba considers that it should not be changed. The proposition was sent to me some four or five weeks ago or more, and I sent the representations made to the gentlemen of the other House. The question was taken up by the members of Mani-

toba, and they decided unanimously that these names which are now to be found in the Bill should be adopted. If I were to consent to the change I should be going in the teeth of my friends in Manitoba.

Hon. Mr. BOULTON—Are we in the Senate here merely for the purpose of recording what the representatives of Manitoba or any district tell us to do? I say that is not our position. We are independent, and we have a perfect right to bring in amendments of this kind.

Hon. Sir JOHN CALDWELL ABBOTT—Nobody objects to that.

Hon. Mr. BOULTON—We have a small representation in Manitoba, though it is a very large province. The county of Marquette, which is now divided, is 250 miles long by 100 miles broad, and it is really very difficult to get at public opinion in the matter. I live in Marquette, and am the only representative in Parliament that comes from that county. I think the request I have made should be acceded to.

The preamble was adopted.

Hon. Mr. OGILVIE, from the committee, reported the Bill without amendment.

The Bill was then read the third time.

Hon. Sir JOHN CALDWELL ABBOTT moved that the Bill do now pass. He said: I promised my hon. friend that I would look into the proposition he made this morning respecting the mode of redistribution in England. I have had time for a few moments to glance at it, and I see the statement which I made this morning, as a conjecture, as to the mode by which this commission acted is perperfectly accurate and in accordance with the facts. This Bill which my hon. friend and I were discussing—the Act of 1885—was introduced on the 1st December, 1884. It was submitted to a Committee of the Whole on the 19th February, 1885. The Bill as introduced contains the mode in which the country was to be divided up—that is to say, such a county to be divided into two constituencies, such a borough into two or three constituencies, and so on. The commission that my hon. friend referred to was appointed for the purpose of making the requisite divisions of each borough and county, because the divisions of property in England are often so complicated that it is impossible for the House to describe them in the Bill itself; but it is necessary to have that done with a full knowledge of the minute details of the geographical position of each division. And the consequence was that there was a commission appointed by the secretary on his own authority—I do not dispute that—for the purpose of delimiting and verifying the boundaries of the divisions of each county; the Act having first stated the number of divisions into which each county was to be divided. That is what took place. The commissioners took the matter up, and they state on every page of the report where they deal with a borough or county, the number of divisions into which the Bill decides that the borough or the county was to be divided; and then proceed to define the boundaries of those divisions as they consider most advisable.

Hon. Mr. SCOTT—They make the limit.

Hon. Sir JOHN CALDWELL ABBOTT—They make the delimitation, Parliament having first decided how many constituencies each borough or county should be divided into. The commissioners had the duty of dividing those boroughs as required by the Bill; so in fact the proportion of representation is settled by the Bill, the commissioners only delimiting the boundaries. If hon. gentlemen think it worth while to look at the plans contained in the report of the commissioners, they will see why it was necessary to have a delimitation by persons on the spot after hearing everybody interested. The boundary lines of these places are so varied, so indistinct and irregular, that no Parliament could by any possibility describe the constituencies as we would do in this country, where we have infinitely greater facilities for doing so.

The Bill then passed.

THE SEIZURES IN BEHRING SEA.

INQUIRY.

Hon. Mr. SCOTT—Before the House rises I should like to ask the Premier whether he has any information or report relative to the alleged seizures of the fleet in Behring Sea.

Hon. Sir JOHN CALDWELL ABBOTT—I have reports as to the seizures, of course necessarily very cursory, but it would appear, as I judge from these reports, that there has been no seizure of those vessels, except of the "Coquitlam," a sort of steam barge.

Hon. Mr. SCOTT—A supply boat?

Hon. Sir JOHN CALDWELL ABBOTT—Yes; which took supplies to the sealers, and took from the sealers the cargoes of skins that they had taken. It does not appear that this vessel ever entered Behring Sea, or that the seals which were transferred to this vessel were taken in Behring Sea. The place where the vessel was seized was outside of the three-mile limit, and opposite the harbour called Eskes, or some name like that, two or three hundred miles south of the boundary of Behring Sea—that is to say, of the string of islands which form the southern boundaries of Behring Sea. It appears, therefore, that she was seized in the open sea by the United States cutter outside of the jurisdiction of the United States or of any other country. The pretence which is alleged as the ground of the seizure, is principally that she transferred her cargoes within the twelve-mile limit or four-league limit as it is called indifferently. That limit is one of which neither I nor any one here has any knowledge. We know of no international law which justifies the exercise of jurisdiction by any country outside of the limits of a league from its shore, and the four-league limit is one which I think can not be properly recognized as one within which any power has jurisdiction. However, that is the principal pretension on which the seizure is made. Of course it will be asserted also that the vessel has been an accessory to the violation of the *modus vivendi*; but my information goes in the direction of indicating there was no violation of the *modus vivendi* in respect to her cargo. The whole correspondence was sent to Lord Salisbury by cable immediately on receipt of it, and the British Government are fully aware each day of all the information we get. It is probable that steps will be taken to have the vessel liberated on bonds, but that has not yet been decided.

Hon. Mr. SCOTT—Then the statement of the seizure of a fleet of sixteen vessels is not true?

Hon. Sir JOHN CALDWELL ABBOTT—The information we have is the seizure of one, the "Coquitlam."

Hon. Mr. SCOTT—One telegram says that the other vessels were ordered out of the harbour.

Hon. Mr. MACDONALD (B.C.)—Without supplies?

Hon. Mr. POWER—Canada has no rights which the United States are bound to respect.

Hon. Sir JOHN CALDWELL ABBOTT—I was thinking whether it might not be better to send round a few ironclads to vindicate our rights; but on consideration, I reflected that even if we were independent we have not any ironclads to send. However, as I stated on another occasion, we have a power behind our backs which will protect us from any injustice in the future, as she has done in the past.

Hon. Mr. ALMON—Could we not send Goldwin Smith and Erastus Wiman out as commissioners?

The Senate adjourned at 1 o'clock.

Second Sitting.

The Speaker took the Chair at 3 o'clock.

Routine proceedings.

CRIMINAL LAW AMENDMENT BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (7) "The Criminal Law, 1892."

Hon. Mr. SCOTT—I regret very much that the Government in its wisdom has thought proper to press this Bill to a second reading during this session. The Bill is one of very great importance—second certainly to no Bill that has ever come before this Chamber. It is a Bill that alters very materially the Criminal Law of Canada, the law under which we have been brought up, the law in which our judges have been educated, and which is understood by the stipendiary magistrates and the officials who are entrusted with the administration of justice. The law is understood by the justices of peace all over this country. They are now asked to take up a code that does not exist anywhere else outside of Canada, if this law is passed. There are, of course, other countries in which codes do prevail—in France and in many other countries of Europe. In England in 1879 it was proposed to have a code in lieu of what is known as the *lex non scripta*, the common law of England, matured by ages of experience, and in many instances crystalized into Acts of Parliament; but a large portion of it is what is called the unwritten law. In 1879 a long report was made. It is on that report that this Bill is practically based, so far as it contains laws that were not previously on our Statute-books. That

report did not receive favour at the hands of the British jurists, and in 1880 it was proposed to introduce it into the Imperial Parliament, and a code was brought in there very similar to what we have before us now. That code was referred to a committee of learned gentlemen on the 15th day of March, 1883. I have before me the standing committee on law and courts of justice of legal procedure. It embraces very many distinguished names. They number somewhere about sixty. They sat and discussed this code day by day, and if hon. gentlemen will take the trouble to examine the proceedings of that committee they will find that there was a great divergence of opinion on the various questions that came before them. So great was the absence of harmony with reference to so important a matter as this, that although the committee sat from March until some time in the month of June—I think the last sitting was on the 21st of June—it made no further progress. I was corrected the other day somewhat in stating that the code was pigeon-holed and remained where it was placed in 1883 up to this day. I find on a careful examination of the British statutes that there is no important Act since that date in any way affecting the criminal law, introduced into the British Parliament. Some minor Acts, which we have practically copied into the statutes of this country, have been introduced. In 1885 there was a criminal law for the protection of women and girls enacted. In 1887 there was a Criminal Law Procedure Act for Ireland, and in 1891 another very short Bill, so that really Parliament now for the first time in our history is going to depart in so important a subject matter as the criminal law of the old country from the usages of England and Great Britain and Ireland—usages which have grown up from time immemorial. We have a great many writers on criminal law who have compiled and crystalized from time to time decisions of learned judges, and it is upon those decisions that the law largely depends. When this code is passed a large portion of the learning and experience of ages will be laid aside. Instead of looking to the text books for definitions of important crimes—homicide and murder—to the writings of learned judges who have laid down certain well defined principles gathered after much labour from the decisions of centuries, we shall have to take up our code and ascertain what is the interpretation of the language used in the statutes we are now about to consider. I say it is exceedingly unfortunate for the reason that there has never been any complaint known, nor have we had a single opinion expressed by any learned judge that the law of Canada, copied as it is from the law of England, is in any sense defective. We have kept up well with the times. We have been abreast with the most intellectual nations in regard to criminal law. At all events, whatever law England has adopted with reference to crimes and offences applicable to Canada had been adopted into our statutes. That law is well understood. It is a simple volume well classified, and magistrates of the country know well where to turn for the description of any particular offence. They will now have to unlearn that and take as their *vade mecum* the code we are about to pass on the present occasion. I say it is a great misfortune, because I think it is a great mistake, unless there is a defect in the system, to endeavour to change it. If there is any defect in the mode of expressing offences under the statute, it can be pointed out and we can amend it, but nobody can say that our law is in any sense defective. What is the object of changing it? It may possibly be that since I commenced to study law and have habituated my mind to particular forms and references, that I am averse to any innovation of this kind. I confess that it is a strong motive, and it is a motive that other gentlemen will feel themselves influenced by, and that the judges of the land will feel themselves influenced by in making this change. When the codification of the law of criminal procedure was introduced there, we were no doubt moving in the right direction, following a change made in England, and the procedure was all simplified, but the course pursued on that occasion is not applicable to the present case, inasmuch as our criminal code, I maintain, is as simple as it is possible for language to make it. You are now defining offences and crimes that before depended for their interpretation on the writings of learned jurists and the decisions of the courts given from time to time during the last five or six hundred years. I was reproached by the hon. gentleman from Richmond because I did not give my attention to this special committee that sat considering this measure. Well, I did not feel that I could give any very valuable assistance on that committee,

for the reason that I was averse to the introduction of the code. I did not think it was desirable to introduce it into Canada, because I look upon our criminal system as being about as perfect as we can make it. I thought, moreover, if it was to be introduced, there was but one way to do it, that is to codify it as it stood and then insert the changes in italics to show what they were. But I defy anybody to take up this Bill as it is before us and tell me what the original law was, and what the proposed changes are. It is quite true there are references at the end of each section, but on examination of those references I find they are misleading and if I were to undertake to analyse this Bill I could not safely do it under two months. I think if I worked steadily at it day by day, with an assistant at my elbow to read and compare the statutes from which this is taken, with reference to the changes in the code which are presumed to be based on the decisions of the courts, I could not do it in that time. Certainly leading jurists, men who compile the criminal law and who write books, cannot do so in a hasty manner, and for us to take up this Bill at this Table and go through it clause by clause in the time at our disposal this session would be, to say the least of it, a parliamentary farce. No other language can attach to it, for the reason that no man here can tell what the original law was, or in what direction the law has been changed, from reading the clauses of this Bill. No man is sufficiently versed in the criminal law to base, in a moment, an opinion as to whether the law is changed, and if so how it is changed. But there is a great objection to the method in which this code has been prepared, and it is that in giving references they are to a certain degree misleading. Where reference is given to a Canadian statute one is perfectly justified in assuming that no change is contemplated in the law. Now, there are material changes made in the clauses that are supposed to be extracted from the criminal law of Canada. I cannot better explain myself than by referring to certain clauses of the Bill. I will take section 102, which reads as follows :—

"Every one is guilty of an indictable offence and liable to five years' imprisonment who has in his custody or possession or carries any offensive weapons for any purposes dangerous to the public peace."

The Revised Statutes of Canada, chap. 149, sec. 4, of which that is supposed to be a copy, reads as follows :

"Any justice of the peace, constable, peace officer or other person acting under the warrant of any justice of the peace, or any person acting with or in aid of any justice of the peace, or of any constable or peace officer, having such warrant as aforesaid, may arrest and detain any person found carrying any such arms, in such manner and at such time as, in the judgment of such justice of the peace, affords just grounds of suspicion that the same are for purposes dangerous to the public peace ; and the justice of the peace who arrests any such person, or before whom any person arrested upon such warrant is brought may commit such person for trial for a misdemeanour, and such person shall be liable to be tried for a misdemeanour for carrying such arms and, on conviction, shall be punished by fine or imprisonment, or both, in the discretion of the court ; but any such person may, before conviction, give good and sufficient bail for his appearance at the next court of competent jurisdiction, to answer to any indictment which is preferred against him.

It will be observed that in the clause which professes to be a copy from this Act it is a specific punishment of five years' imprisonment and no fine mentioned. They are both in the discretion of the court. I do not think it is quite fair that Parliament should be told that we are safe in reading section 102 as being correctly taken from the statute. I do not think it is fair to treat the House in that way. I am quite sure that when the House of Commons passed this Bill it was thought wherever there was a reference made to the revised statutes of Canada and the criminal law that it was correctly quoted. Now 135a is not a correct reference, and I do not know where it is taken from. I have looked at the reference, but it has no bearing on the section. Section 136 is taken from the code. We have a similar clause providing for unprovided cases—that is, where there is an offence committed against the Act for which there is no special penalty provided. That is found in section 951, and that conflicts entirely with the other. It reads :

"Every person convicted of any indictable offence, for which no punishment is specially provided, shall be liable to imprisonment for seven years."

In the reference the term of imprisonment is five years. It is not the proper thing in an important code like this that there should be that discrepancy. One is copied from the code and the other from the Canadian statute.

Now, take section 142, and it reads in this way :

"Every one is guilty of an offence, and liable on indictment to two years' imprisonment, and on summary conviction before two justices of the peace to six months' imprisonment with hard labour, and to a fine of four hundred dollars, who resists or wilfully obstructs—

"(a) Any public or peace officer in the execution of his duty, or any person acting in aid of any such officer.

"(b) Any person in the lawful execution of any process against any lands or goods, or in making any lawful distress of seizure. R.S.C., c. 162, s. 34, enlarged."

Hon. Mr. MILLER—Is my hon. friend quoting from the Bill as reprinted from the House of Commons ?

Hon. Mr. SCOTT—This is the original draft as amended in the House of Commons.

Hon. Mr. MILLER—We have in our hands the Bill as amended.

Hon. Mr. SCOTT—I asked particularly to have a copy of the original draft that passed the committee of the House of Commons and passed the House of Commons with the amendments noted in it. This House considered in its wisdom that it was not proper to ask for it. I saw it myself, as any member can see, in the office of the clerk in the other House ; but I was told, however, "We will give you a copy of it," and this copy was carefully made by the Department of Justice, in lieu of the original, and it professes to be an exact transcript. They made a number of copies, one for the Premier and some for other gentlemen.

Hon. Mr. MILLER—All I wanted to know is from what Bill the hon. gentleman was quoting ? I was under the impression that he was quoting from the Bill as it came to us from the House of Commons ; but I find that he is not.

Hon. Mr. SCOTT—I am taking this as the corrected copy as it passed the House of Commons.

Hon. Mr. MILLER—The form there without the corrections is the form in which the Bill was submitted to the House of Commons, and in which it came from that House to the Joint Select Committee of both Houses. I do not know whether my hon. friend has the amendments made to the Bill in committee or not ; but I was under the impression that he was quoting from the Bill as we have it now before us, after having been read the third time as amended in the Commons.

Hon. Mr. SCOTT—What I am advised is this : the officers of the House of Commons would not undertake to prepare the Bill for this Chamber. It was undertaken in the Justice Department. They made thirteen copies from the draft that passed through the Special Joint Committee of the Senate and House of Commons. That draft was written by the Clerk of the House, and he allowed copies to be made by the Department of Justice, and this is one of the original copies of the draft that passed both Houses.

Hon. Mr. MILLER—I will further explain, if my hon. friend will allow me. The Bill that he holds in his hands—I do not know what amendments or corrections are in it—is the Bill as submitted to the House of Commons and distributed amongst the members in both Houses. Of course, it comes to us very often a very different Bill after passing the third reading in the House of Commons from the Bill it was when first introduced, and we never think of taking up a Bill as it was introduced in the House of Commons to discuss it. We take a Bill as it is sent to us from the Commons. The Bill now under consideration of the House is a copy of the Bill certified under the hand of the Clerk of the House of Commons, the highest certificate we could possibly have of its correctness and authenticity.

Hon. Mr. SCOTT—You had better ask the clerk of the House of Commons if he is responsible for it ?

Hon. Mr. SMITH—Why not take the Bill as it is before the House and discuss it.

Hon. Mr. SCOTT—One cannot do so. I moved for the original draft. I was told I could get a copy of the original draft with all the amendments on it, but it had to be made by the Department of Justice, and they made half a dozen copies, and this professes to be one copy of the draft that was made for the printer.

Hon. Mr. MILLER—It is not what we have then ?

Hon. Mr. ALLAN—Am I to understand that the hon. gentleman means that this copy which I hold in my hand here is not a true copy of the Bill as it passed the House of Commons ?

Hon. Mr. SCOTT—This is the copy that was drafted by the Department of Justice and professes to be correct. I have no doubt it is as correct as it can be made in the short time they were at it. I do not mean to say that anybody is guilty of any impropriety in connection with it at all. The amendments of the House of Commons are on one side.

Hon. Mr. LOUGHEED — Will my hon. friend read the amendment that I see on the page he is quoting from ?

Hon. Mr. SCOTT—If hon. gentlemen will read the whole of section 142 and the amendments to it, it will be seen that the clause as printed in the Bill is not the same as the clause from which it is taken. Then clause 277 reads :—

"Every one is guilty of an indictable offence and liable to seven years' imprisonments who procures a feigned or pretended marriage between himself and any woman, and every one who knowingly aids and assists in procuring such feigned or pretended marriage."

That is the clause as amended. That professes to be taken from the Revised Statutes of Canada, cap. 161, section 2. In the original the punishment is two years' imprisonment. In the amended Bill the punishment is seven years' imprisonment, but it goes on :—

"No person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused ;

"In every case arising under this section, the defendant shall be a competent witness in his own behalf, upon any charge or complaint against him ;

"No prosecution under this section shall be commenced after the expiration of one year from the time when the offence was committed."

What I say is, where there is a marked variation of that kind our attention ought to be called to it. We ought not to be asked to go through this Bill under the assumption that it is a perfectly correct copy. In section 285 there is a new interpretation of the words "defamatory libel." It proposes to quote from the Revised Statutes and I rely on the correctness of this copy as the same authority as hon. gentlemen rely on for their copies. It is not the official copy of the House of Commons, but a copy taken from the original through the Department of Justice, and therefore I say we are not getting this through official channels or with that great care which should characterize an important Bill of this kind. The responsibility does not rest with me. I appeal to the Government on fair grounds that in my judgment, in the condition in which this draft Bill left those two committees, it ought to be submitted to three experts, and that they ought to go through it carefully and remove any inaccuracies an inconsistencies that are in it. I do not care how much care and vigilance were exercised in the committee and House of Commons, or how much labour they bestowed on it, in the hurry-scurry in which it went through the House it must contain inaccuracies.

Hon. Mr. MILLER—There was no hurry-scurry in passing it through the joint committee.

Hon. Mr. SCOTT—It is one of those things which cannot be dealt with at the Table of Parliament. It must be dealt with by a few people who can refer to the original sections and compare them, and see whether they are correctly quoted or not.

Hon. Mr. MACDONALD (B.C.)—Cannot the Act be amended hereafter ?

Hon. Mr. SCOTT—No doubt it can, but what pride or gratification would it be for any body to have to come to Parliament next session with a Bill to amend it. It is not going into operation for a year from next July, and my opinion is that after the Bill has been read the second time it should not go through committee. We could then pass an Act through Parliament to provide that this Bill shall be taken up next session at the exact stage in which we leave it this session, and then it can be brought into operation in July next, as now intended. Any changes that are made should be printed in italics in the Bill and then we should be able to compare it with the original and pass it through in a perfect manner. The persons who did the clerical work on this Bill are, of course, liable to make mistakes. We are laying down in this Bill great principles that had to be compiled from a great variety of books, and it is not the duty of the Committee of the Whole

House, when we have this Bill before us, to examine the original sources from which these quotations were taken to find whether the deductions drawn, and the definitions of the various offences provided for in the Bill, are correct. Every body must admit that it is utterly hopeless to do that. I think I have pointed out enough to satisfy the House that the Bill is not in such a shape as it ought to be when submitted to us. The quotations are not correct and are misleading. This was not pointed out in the House of Commons. Every body in the House of Commons assumed that wherever the Canadian statutes were quoted from they were quoted correctly. I was employed to-day for a time in checking it, but I was not able to do much because it is a most arduous task to compare such work. For these reasons I hope the Government will adopt the suggestion I make ; if they do not, then, so far as I am concerned, I shall feel myself relieved from any responsibility in the matter, for I consider it is utterly hopeless to do the Bill justice in passing it through this Chamber. In introducing this Bill it was intended originally to take up the question of the abolition of the grand jury, and decide whether some other channel should not be selected by which indictments should be submitted to the court. That change in the criminal procedure has been largely discussed, and really that is the only branch of it that has been discussed ; but in framing this code, when they came to consider it, they made up their minds to drop that question entirely. The Minister of Justice made reference to it in introducing the Bill but there seemed to be such a conflict of opinion that the Minister of Justice could not decide whether the grand jury system should be continued or whether some such system as that prevailing in Scotland should not be adopted. That is the only important change that has been discussed in Canada for many years in reference to our criminal code, and that is not touched at all in this Bill.

Hon. Mr. VIDAL—I do not propose to enter at any length upon a discussion of the Bill, either its merits or demerits. In my judgment what has been said in favour of the proposed Bill is well deserved. I think it is very desirable that we should have such a code, and that it should be brought into operation at the earliest moment. I give all credit to the special committee which has considered this Bill, and made very important and necessary amendments to it, so I trust the view I take about what our course should be with respect to it will not be misunderstood,—that no person will think that I in any way oppose the Bill, or wish to throw any obstruction in the way of its adoption. The question now before the House, however, is this : with reference to the passage of the Bill, is it necessary that it should be passed this session, or is it wise and expedient. It appears to me that the very fact that it is not contemplated to bring the Bill into operation until the 1st July, 1893—that it contains a clause to that effect—is a sufficient answer to any one who argues that it is necessary to hurry it through the House this session. As to the wisdom or expediency of going on with it I fully agree with the remarks which have been made by various senators with respect to the great importance of the Bill, and the necessity of its receiving in this House very careful consideration, with the necessity of our giving to its consideration whatever time it may require, and I am perfectly willing to sit here a week or a fortnight or a month, if necessary, in order to deal with it as we deal with other Bills that come before this House, to most carefully and minutely examine its provisions in detail, and discover and remedy any defects which may have crept into it by inadvertent mistakes, or in any other way. This House has hitherto very conscientiously performed that duty, and whatever the public may say occasionally in disparagement of the Senate they give us the credit of examining carefully the Bills that come before us. They know that in our committees, if not in prolonged debates in the chamber, we do examine very carefully and minutely every Bill that comes before us. I am very desirous of maintaining our claim to the public's confidence in this matter. I do not think it would be wise or desirable to take up this Bill and go through its 1,006 clauses and schedules clause by clause, because I believe the feeling would be in our minds—perhaps unconsciously—that we were doing it under pressure, and influenced by a desire to hurry it through rather than take the time which an important measure like this requires from us. To preserve the character and standing of this House, and maintain the respect and confidence of the people, we should take all the time that is necessary to go very carefully through the Bill. I would not hurry through three hundred sections a day merely because

those sections had been approved by the joint committee. I am not a lawyer, and I would be disposed to have taken the Bill almost as it stands, having full confidence in the skill and judgment of the special committee to which it was entrusted, composed as it was of eminent legal gentlemen in both Houses, but there are things in it which do not require a legal training or extensive knowledge of law in order to form a judgment upon. I hold that on all moral questions I am just as competent to judge as a gentleman who may hold a high degree from a university as a doctor of law. It so happens that my attention has been particularly called to one section of the Bill; I have not yet examined any other section carefully, but this one I have, and what do I find ? I find in this one section sufficient to justify me in taking very much the view taken by the hon. member from Ottawa, with reference to the necessity of proceeding carefully over that Bill, and having sufficient time to examine it as minutely, as we would if it were introduced to us early in the session when we have very little to do and would not feel hurried. I may mention one or two of these things which have attracted my attention in section 205. The hon. member from Ottawa has mentioned that sections referred to in the revised statutes of Canada as authority do not contain the provisions now inserted. I find it just as he has said with reference to this section, from which the sections in the revised statutes of Canada, to which it refers, vary very materially—they vary in three essential points from the clauses in section 205. The punishment with which it commences is quite different from anything you find in the revised statutes, changing the penalty from $20 to $2,000. Then further down, in reference to a very important matter, the dealing with lotteries, there are great differences, and there are certain remarkable circumstances connected with these differences to which I intend to call the attention of the House. Sub-section (b) of sub-section 6 refers to raffles with prizes of small value. The revised statutes to which this refers, and the code of Quebec has similar terms, provide a desirable limitation as to the value of articles which may be thus raffled for. The limitation as found in the statute is that it shall not exceed $50. I find the same language in the revised statutes of the Province of Quebec, word for word. Now, why is that left out of the Bill ? The Joint Committee did not recommend its being left out. They did not propose such an amendment. Where did the suggestion come from—at whose request was the limitation clause dropped ?

Hon. Mr. MILLER—The House of Commons.

Hon. Mr. VIDAL—How did the proposal to drop it get into the House of Commons ? We have a right to look at the procedure which was taken with reference to this, and looking at the *Hansard* of the House of Commons you will find that the amendment was made and the words were struck out without a single reason being given why the alteration should be made.

Hon. Mr. SCOTT—That could be tested by the original draft ; it could be seen whether it is signed or not.

Hon. Mr. VIDAL—It is in the original draft submitted to us this session and in the Bill of last session, so widely distributed.

Hon. Mr. MILLER—It was amended in the House of Commons.

Hon. Mr. VIDAL—I admit the fact ; I am stating the fact. I am only calling attention to the alteration which has been made, and to which no attention is called in the Bill now submitted to us. I think the hon. member from Ottawa is quite right in claiming that in some way or other the attention should be called in this House to any alteration of importance made from the original Act which this Bill professes to consolidate and form into a code. Further down what do we find ? We find a clause which, in my judgment, is atrocious—a clause which it amazes me to find has been accepted by the House of Commons—sub-section (d) of this same section 205—a sub-section which, directly it became known outside of the walls of Parliament, has awakened indignation and alarm throughout the whole length and breadth of the country. It is a clause professing to be drawn from the revised statutes, chap. 159, which statute contains nothing at all about it. It is a provision by which the lotteries may be legalized by provincial authority, thus enabling a Provincial Legislature to override and render void the Dominion statutes.

Hon. Mr. MILLER—It is a House of Commons amendment.

Hon. Mr. CLEMOW—Can we not amend that here ?

Hon. Mr. SCOTT—Our attention happened to be called to that particular one.

Hon. Mr. VIDAL—I mention these innovations because I think it is expedient we should have time to find out and correct all those errors, which we cannot with any propriety do, when we feel the session is near an end. What is to be lost by postponing this Bill ? It would not hinder its coming into operation the same day which it now proposes. There could be no loss or inconvenience to any body by postponing it, and it requires time for the careful examination which should be given to a statute of such transcending importance as establishing the criminal code of the country. On these grounds I think it would be a wiser thing for us not to take any further time with this Bill now, on account of being so near the close of the session, though I am quite willing to give all the time that the House may think necessary to bestow to it, but in my opinion it would be better to defer it until we could give it that more careful consideration which a measure of so much importance demands.

Hon. Mr. WARK—I fully agree with the hon. member from Sarnia and the proposition of the hon. member from Ottawa. We have not time to consider this Bill carefully. It is very easy for gentlemen living in the city here to give time to it, but we must remember if we are going to spend two or three weeks over this Bill the House of Commons will be through their business, and are we going to keep them sitting idle for us to get through to adjourn ? If the Bill is dropped now it can be done with the understanding that it is to be taken up next session. If there are no precedents for it we can make a precedent. Those of us who are here will have two or three weeks at the beginning of next session in the Senate, when there is scarcely anything to do, and we can spend that time more profitably than in any other way by going over this Bill and bestowing that care on it which it is evident it requires before going on the Statute-book. I hope the House will arrive at the decision that when this Bill is read the second time it will be left in that state, to be taken up at the opening of next session. The House of Commons will not have the patience to wait for us if we spend two or three weeks here. They may adjourn and go away home, and if we should get through with the measure before the adjournment is over we should have to sit until they come back. Consequently I hope the proposition which has been submitted to the House will be accepted, and that the Bill will be left in just the position it occupies now after the second reading, to be taken up at the beginning of next session.

Hon. Mr. KAULBACH—My hon. friend from Ottawa has really in a few words shown us the immense amount of work we are going to undertake in going through this Bill. He has shown us already, although we consider there are only some two or three hundred clauses of new law, that every clause of this Bill must be taken up and we must ascertain whether it is old or new. It is evident that a large amount of this, as my hon. friend has shown here, is new law. It is varying the law which we are supposed to possess now, and we would have supposed, but for this discovery, that the bulk of the Bill was simply systematizing the present law and relieving it of technicalities and obstructions, but instead of that, it has been shown already, by citing two or three cases, that a large portion of the measure is actually new law which requires to be most carefully considered. My hon. friend contends that we should go on, no matter what time it may take to pass this Bill. I am as ready as any one to do my share of the work. From the day that I entered the Local Legislature of Nova Scotia until now I have never failed to give full attention to public matters, and do what I could to perfect the legislation of the country, but I must say that now, at the end of the session, when almost everybody has packed up his trunk and is prepared to start for home, to attempt to go through this immense measure and see that it is properly arranged and free from technicalities, obscurities and imperfections, is a task which I feel we cannot accomplish in the time given to us, neither are we in a fit condition to do so. After we go back to our homes we can look over this law, comparing it with the existing statutes, and we would then be prepared to give proper attention to the improvement of this Bill. We must endeavour to make it as perfect as possible. I do not agree with the

hon. member from Ottawa that we do not require a code. I believe that the public look for it. I believe the judges look for it—not the lawyers, because lawyers like conflicts and like to unravel things. That is their business. There is hardly a case so hard that a lawyer cannot be found to take it up, but the magistrates throughout the country require a measure of this kind. We should have, as part of this Act, the law of witnesses and evidence, which is germane to the Bill. I think it has passed through the committee and been reported to the House. It should be a part of this measure as it treats of a similar matter.

Hon. Mr. MILLER—It is before the House of Commons now.

Hon. Mr. KAULBACH—From what I can learn, it is not going to pass this session. That is a reason why it should be added to this Bill, and the two made one. If we let this Bill lie over, let it take its second reading now and make provision to take it up next session where we drop it now ; no objection can be taken to that course. I believe every member of this House who takes an interest in the subject, whether he is a layman or a professional man, will bring to this measure next year mature thought and wisdom which can be incorporated in it and essentially benefit the Bill. If I could see any immediate necessity for this Bill, if there was any public need of it, I could understand our remaining here to pass it, but it is intended to be simply a codification of the law, remedying the weaknesses in the existing statutes. Being simply that and nothing more, nothing can be lost by postponing the passing of the Bill until next session. I do not consider that this session has been a barren and unprofitable one. We have been looking after the legislation that has come before us. I do not think the public can say that it has been an unprofitable session, because we have done good work in the different matters that have come before us. But this we can do—we can take this Bill home with us and study it. Already I have made a large number of marginal notes ; many of them are lost ; some have been incorporated in the Bill, others have been thrown out. We have the Bill before us now, with a knowledge of the opinions of the House of Commons on it, and every member will feel it his duty to give his whole leisure to perfecting this Bill, and next session we can pass it in such a shape that it will be a credit to ourselves, and our work will be appreciated by the country.

Hon. Mr. READ (Quinte)—I think the country expects that this House will give full consideration to this measure. The question that arises in my mind is whether the House is in a condition to do so. If the House is not in such a position, will they give the measure the consideration it merits ? In looking over 800 clauses of the Bill I have found 246 new clauses ; I did not go through the whole of the Bill. Many of these clauses define new offences and new penalties. Can we consider all these new matters properly in a hurried manner, as it is quite evident from the feeling of the House we would be likely to do ? Are we in that mood to quietly sit down and consider what should be the law of this country hereafter as regards criminals. I find that this Bill was introduced in the House of Commons on the 1st of March ; it lay until the 12th of April before it got the second reading. Then, on the 27th of April it was referred to a committee, and it required ten sittings in the House to pass it through. I think that we should give it just as much consideration as the House of Commons did, but having that in view, is the House in a temper to give it proper consideration ? This branch of Parliament has not had a fair opportunity to consider the measure, and I, for one, feel that it would be better in the public interest that it should be delayed until another session.

Hon. Mr. ALLAN—In the debate that took place when this Bill was first introduced in the House reference was made to what occurred in 1868 and the course which the Senate then took with reference to the Criminal Law Bill, introduced at the close of the session of that year. I do not think the two cases are in any way analogous. I was in the House when that Bill was introduced here, just two days before the House prorogued. Very few hon. gentlemen had had an opportunity of making themselves acquainted with its provisions, and the House, under those circumstances, I think very properly declined to consider it at all. Here is a Bill, the first draft of which was distributed to all the members of the House before the beginning of the session of Parlia-

ment. Then, again, a Joint Committee of both Houses was appointed who considered the Bill. That Joint Committee was composed, I think, of gentlemen of the highest intelligence and the very best legal talent in either House. In any case, it has upon it the impress of gentlemen of that kind, to whom laymen must to some extent pin their faith. Therefore, the Bill does not come to us under the same circumstances as the Bill of 1868. At the same time, no one could be more anxious than I am that the Senate should uphold its proper position in the country on all occasions, and give the fullest and most ample consideration to any measure which comes before us, particularly a measure of such great importance as this one, and I should be exceedingly sorry, for the credit of this Chamber and its standing before the country, if in any way, by the course which we adopt, this Bill should be put through the House either in a very perfunctory way or without due consideration of all its provisions by the members of this House. Two days ago the Premier stated in as distinct terms as possible that it was not his desire, or the desire of the Government, that this Bill should be pressed through in such haste as to render it impossible for members to give it due consideration. Unless we all share that very uneasy feeling described by my hon. friend from Quinte, and find that we cannot possibly make up our minds to remain here, it does not seem to me quite practicable to give to this Bill all the consideration that it requires; but for my part I will be as strongly opposed as any member of the House can be to the Bill being gone on with unless the House is prepared to take that course—unless the House will go through it, if necessary, clause by clause, giving it the fullest consideration, even if it should demand the sacrifice on our parts of remaining here for a longer time than we expected. For my part, I am perfectly willing to do that. There are many clauses of this Bill which I, as a layman, am interested in, especially that clause, mention of which was made by the hon. member from Sarnia, and therefore I should like to have the fullest opportunity, so far as any point in which I am interested is concerned, of discussing the measure and bringing my views before the House. Therefore, my position is simply this: I am perfectly willing and contented to stay here and bear my share of the work, so far as the consideration of this Bill is concerned, but if gentlemen are not willing to do that, and if it would result in its being imperfectly considered, or hurried through, then I think that the very course which the Premier suggested as being an alternative one would possibly be by far the wisest and best for us to adopt.

Hon. Mr. CLEMOW—I cannot understand the argument that has been advanced for putting off the consideration of this Bill. I think we are just in as good a position at the present time to consider it as we will be at the next session of Parliament. I will guarantee there are very few members of this House who will take the trouble to read the Bill through during the recess. I am satisfied of that. There may be a few lawyers who are interested in it, but with the exception of that class there are very few who will take the trouble to wade through that Bill, and I think we are in as good a position to deal with it to-day as we will be when Parliament assembles next year. I do not think it fair for hon. gentlemen of this House to shirk the responsibility imposed upon them by the country. When there is work to be done they ought to do it. Their own convenience ought to be a secondary consideration, if they have the interests of the country at heart. I think the true plan is to go on with this Bill, as we are in duty bound to do, and make it as perfect as it can be made. It is true there have been several amendments to the original Bill; there are amendments made in nearly every Bill introduced in the other House, but we have nothing to do with those amendments. All we have to do is to take the Bill as it passed in the House of Commons the other day, and we will be derelict in our duty if we postpone the consideration of the measure. Certain gentlemen have an object in view in obstructing the business of this House. The other day, before an opportunity to see one clause of that Bill was presented, an hon. gentleman took it upon himself to oppose it in every way. He actually made the assertion that the Bill was not one that should be passed by this Parliament, and this was before he had an opportunity of examining it. To-day he suggests a lot of resolutions and amendments and he wants us to believe that the Bill as we have it to-day is not the Bill that passed the House of Commons. I cannot understand

that kind of discussion at all. We have the Bill before us, and we are just as able to pass an opinion upon it to-day as we will be twelve months hence, probably far better, because we have a good idea of the arguments used in the lower House to-day. All that will effaced from our memory next year. What are we to gain by putting off this Bill? Next year when we assemble you will find a great many people throughout the country will have objections of every imaginable character to this Bill; they will flood the House with all sorts of remonstrances and petitions, and you will have to go through the same ordeal again. The House of Commons will have to take the same course. It will cost a large amount of money to the country; it has already cost a large amount of money, and why, after such an expenditure, can we not pass this Bill in a few days?

Hon. Mr. KAULBACH—Are we not to have public opinion on this Bill?

Hon. Mr. CLEMOW—When the public know that this Bill has been subject to the scrutiny of a special committee of both Houses, and has been considered by the best minds in both Houses, and when they know it has been discussed by the hon. member from Lunenburg, they will have confidence that the Bill is as perfect as it can be made. Amendments may be required in the future, but it will be far easier to deal with a few amendments that may be considered necessary hereafter than to put the Bill off and go through the same ordeal that has been going on for the last two or three months. I think it is our duty, and the public expect that we shall remain here any time that our duty demands. We should not put off this Bill to suit the convenience of the hon. gentleman from Lunenburg and others, who may have packed up their trunks to leave the Capital. I think the true way is to go to work, commencing, if necessary, at ten o'clock in the morning and working until twelve o'clock at night, to get through with the Bill. If we do that the country will justify our proceedings, and we will hold a better position than we would if we postponed this Bill for another year.

Hon. Mr. KAULBACH—The hon. gentleman should remember that he is at home here. It is not so with me. I remain to the close of the session every year. I attend to my duties to the last.

Hon. Mr. MacINNES (Burlington)—I do not suppose there is any gentleman in this House who will object to following the very reasonable and judicious advice tendered to us by the leader at the introduction of this Bill. What the Premier said was this, "Now, gentlemen, it is not by any means clear to any of us that we are going to be able to go on and finish the Bill this session; let us begin and see what we can do." It appears to me it would be very much more sensible and reasonable if this House, instead of raising objections, would go to work and see how far we can get with the Bill. Once fairly under way, we can accomplish a great deal. At any rate, if we cannot finish the Bill this session, a preliminary canter now, if we cannot do anything more, will be exceedingly useful in the future, and perhaps will give us greater interest in the Bill than we should have, if we did not take it into consideration at all. I am in favour of going on with the Bill—commencing now and stopping these objections to beginning work at all. It appears to me that our wisest course is to follow the advice which has been given to us by the Premier.

Hon. Mr. McCALLUM—As a layman I do not know that I can take a very active part in the discussion of this Bill, but I can say this, I am willing to give all the time that the Premier of this country thinks it requires to get through with it, whether he puts it through now or next session. I am willing to be guided by his judgment, but when my hon. friend from Rideau division asks us what are we to gain by letting this Bill lie over, that question should not be what the country has to gain, but what the country has to lose if we let this lie over until next session. The question is this, Are gentlemen willing to stay here? I believe it ought to take us at least two weeks to consider this Bill, but, at the same time, I have got every confidence on this question in the Prime Minister, that he will give us all the time we want, and I am perfectly willing to be guided by him, but I agree with the last speaker in saying that I am ready to commence as soon as possible; but I have not heard any reason for saying that this country will suffer if the Bill is to stand over for a year. It is not to come into force until a year from now, and there will be somebody here then to pass it if it is thought necessary. That is the way it strikes me. If there was a motion in this

House to let this Bill stand over, I should vote against it, because I am ready to give all the time necessary as far as my humble ability goes, and I believe every member of the House feels the same way, but if the public interest is not going to suffer, why not let the Bill lie over until the beginning of next session? No one has shown yet that the public interest will suffer, but if we rush the Bill through the House we may do more harm than good. As I am not a lawyer, I do not know that I should take a very active part in this debate, but I think God has blessed me with a little common sense, which I will try to exercise before we get through with the Bill.

Hon. Mr. FLINT—When I look at the vast amount of work before us it strikes me that it would be decidedly advantageous, not only to the country, but to ourselves, if our hon. Premier would let the measure stand over until next session. He does not want us to go into the dog days, he says. Well, we are getting along pretty well towards that season now, and more than that, we are burning wood here constantly to keep ourselves cool. So far as the Bill is concerned, I cannot see for the life of me how the country is going to suffer if we let it stand till next year. We have been a long time in session and we are all anxious to get home. My hon. friend from Rideau division spoke freely on the subject, but it must be remembered that he is at home, while many of us are far away from home, and absent from our business. He can attend his business morning, noon and night, but we cannot while we are kept here. If we are to remain, of course we should go thoroughly through the Bill. I agree with the hon. member from Sarnia with reference to this lottery question. That provision should be struck out; it would be a curse to the country to leave it in the Bill. It would just amount to this: it would empower the Local Legislatures of the various provinces to legalize lotteries. Now, a lottery is a gambling concern. Do we want the people of this country to become gamblers according to law? I think not. I think every hon. gentleman will say that it is not advisable to have the country flooded with gamblers according to law. The lotteries generally manage to give their prizes to their own friends, and the poor have to suffer. I have not been able to look over the Bill, but if it is left over until next session I will present it to my son, who is a criminal lawyer. He is at present, and has been for a number of years, the police magistrate in Belleville, and since his appointment his decisions have never been appealed against but once, and he was sustained by the judges, showing that he takes great care in everything he does. I know if he gets the Bill he will go through it thoroughly, clause by clause, and I could take his advice in every matter connected with it. I should like to go home, but if it is determined to go on with the Bill, I, of course, will stay, and although my eyesight is so bad that I cannot read a clause of the Bill, yet I will be prepared, as the clauses are read, to give my opinion on them and to vote accordingly. I do not believe the country would suffer at all if this Bill were allowed to stand over. I have been a justice of the peace ever since August, 1836—pretty nearly fifty six years. I have tried an immense number of people; I have never had a case that I decided appealed against, and I know something about criminal law. I have had all classes of criminals, I may say, before me, and the consequence is I have been very particular. I know there are some magistrates who are not as particular and get themselves into trouble, and I am very sure that this measure in its present shape would be to them a perfect puzzle. They would not understand what to do. They would be a good deal like the old farmer, who, in my early days, had a commission of the peace, and he went down to Brockville with his wife in order to get sworn in. The good man, though an excellent farmer, knew neither how to read nor wite, but there was a commission for him, and when they got it they went home proud enough. They had some grown up girls, who, when they got home, asked the mother, "Are we all magistrates, now?" The mother replied, "No, you fools; only your father and I are magistrates." That is the position of a good many magistrates through the country. They are put in for political purposes, and not because of their ability, and the consequence is they would know nothing about this law, and I would advise them never to touch it. I should be very happy to get away from here, but if I cannot, I will try and not feel lonesome and do the best I can.

Hon. Mr. O'DONOHOE—The House seems to be of one mind, that the Bill is all-im-

portant, and needs all the care and attention which can be bestowed upon it, and the one question I would ask is this, If it be of such importance, and if it needs weighty consideration. is this the time of the year that the minds of this House can be concentrated upon it ? In my judgment, the minds of the House can no more be concentrated upon it with that severity which it needs than you could concentrate the minds of schoolboys, when vacation time arrives, upon their books again. Their minds are afloat, and they are for home as early as possible. But if it had been a measure that was absolutely needed at the present moment, no hot weather, or any other consideration, would prevent this House from taking up the measure now. In any measure that has been brought before us since I had the honour of a seat in this House that was of any urgency the Senate was always ready even to pass three readings of it in a day if necessary. I can understand the hon. gentleman from Rideau division speaking of sitting here for a fortnight, but as he was told by others he is at home and he could stay here. This would be a place of rest for him, but he advanced a reason in favour of delay. He says the country would be commenting and writing about, and examining and criticising this Bill if it was allowed to stand for a year. He could advance nothing stronger in favour of delay. It is what is intended, and I would urge that the time to give it our minds freely and intelligently is at an early period next session when home will not be bothering us, and when we can concentrate our minds on every clause of the Bill. It is a revolution in the laws of the country. It is the most important change that has ever been contemplated, and no Bill could ever come to this House deserving of consideration to the same extent as this measure. It affects the lives and liberty of the whole people of the Dominion, and in proportion as it is important, so ought it to be with the consideration that it is entitled to from this hon. body. I heard during the debate that four hundred clauses of this Bill were gone through within a few hours in another place. I do not attach a great deal of consequence to the criticism of four hundred clauses of this Bill that is made in a few hours. It is like reading it and not examining it. There is every reason for falling in with the view expressed by the hon. Premier, that when this Bill is entered upon if an unreasonable time is required to consider it the Government are not going to press it through during the present session. With that proposition I coincide. I am as willing as any man to sit here to put the Bill through, but I know that my mind would not be as carefully rivetted upon my work as it would be in cooler weather.

Hon. Mr. POWER—When the Premier stated at a previous stage of this Bill the course which he thought wise to adopt I ventured to say I cordially concurred in his view. I do not know whether the views of the hon. gentleman have undergone any change since.

Hon. Sir JOHN CALDWELL ABBOTT—Not the least.

Hon. Mr. POWER—I venture to say that my views have undergone a slight change. Unlike the hon. gentleman from Ottawa, I think it is desirable that our criminal law should be embodied in a code where it is easily accessible. If that is the case—if we are to have a code—and if the possession of a code is to be an advantage, it must be a code which is as nearly perfect as possible ; and it does not appear to me that this code in its present condition is likely to be perfect. There is one circumstance which has been brought to my attention since the Joint Committee ceased to sit which has influenced my mind very much. The Joint Committee was not expected to go through the various clauses of this Bill, which purported to be taken from other sources, to ascertain whether or not those clauses were exact copies of the clauses of which they purported to be copies. Now we find, not only from the instances cited by the hon. gentleman from Ottawa, but from other information, that in a great many cases the clauses in this Bill, which purported to be taken from our own statutes and some from the Draft Bill of 1880, are not copies of the supposed originals.

Hon. Mr. ALMON—They are forgeries, then, according to the hon. gentleman.

Hon. Mr. POWER—I do not say that they are forgeries ; but the effect of it is this : that the Joint Committee of this House and the House of Commons have been dealing with those clauses as though they were what they purported to be.

Hon. Mr. KAULBACH—Is that the way you dealt with it in that committee ?

Hon. Mr. POWER—Certainly ; it is not the duty of the members of this House or the House of Commons to sit down and compare the clauses of this Bill clause by clause with the sections of which they are supposed to be copies. We take it that that work has already been done by those who framed it in a perfectly reliable manner. If we are under the circumstances to deal with this Bill in such a way as to have our consciences clear, and if we are to give the country what we pretend to give, it is our duty to go over every one of those clauses and compare them with the sections which they purport to be copies of. Is that the sort of work which members of this House are expected to do at this time of the session ? I do not think any hon. gentleman will undertake to say that it is. I think the Minister of Justice deserves a great deal of credit in undertaking to frame this code, and when I speak of these imperfections in the Bill I do not charge the Minister of Justice with being responsible for them. He has a great many important duties to perform. He is not able to devote his time to the clerical work of this measure. He has to trust, and has trusted, to subordinates in whose hands he has placed the Bill. When we read the Bill the second time we indicate our confidence in the Government ; we show that we approve of the principle of the measure, and I think that is as much as we should be expected to do at this time of the session. I stated that if we adopt a code in this country it should be such a code as we may be proud of. It should be such a code as the Minister of Justice will be able to exhibit to the highest legal authority, say in England, without any fear of criticism. I have no hesitation in saying that this Bill as it stands now is not a measure of that sort. It has been said that we had better read the Bill a second time and then go into committee. The intention is to read the Bill a second time, and I think it is just as well that the reasons why we had better not continue to deal with the measure in committee should be given now, so that they will not have to be given again, and we save time by having our say on that point at present. Take the third clause of this Bill ; the third clause is an explanation of terms. I propose to make a few observations on that. It says "In this Act the following expressions have the meanings assigned to them in this section unless the context requires otherwise." As a rule you find a definition in a statute that such and such an expression includes certain things ; the meaning is that that expression includes those things in addition to its ordinary meaning, and if you wish to define a term you say that the expression so and so means so and so. When I take up this interpretation clause I find that in numbers of cases the word "includes" is used where the intention is to cover everything, and in other cases the expression "means" is used to express the same idea as the word "includes." At paragraph "m" the expressions "means" and "includes" are both used. In paragraph "i" we are told the expression "explosive substances" includes "any material for making explosive substances," and so on ; but it does not define what an explosive substance itself is. Any one who goes over that interpretation clause will find a dozen particulars in which it needs to be corrected before it is fit to be submitted to any legal critic. Perhaps the House will allow me to read one definition. Paragraph "d" says :—

> "The expression "cattle" includes any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species, and whatever is the age or sex of the animal, and whether castrated or not, and by whatever technical or familiar name it is known, and shall apply to one animal as well as to many."

Could any one imagine a clumsier definition of the term animal than this ? The term here is used in the ordinary sense. "Animal of the bovine species" is a new way to define an ox. I have this opinion about it that we wish to have a code. We wish to have a code of which we may be proud, and I think that this code needs a good deal of careful perusal and revision before it would be such a code as that. I notice that in the House of Commons some of the amendments made in the special committee were struck out, and there have been a number of amendments to it which the special committee did not make ; and I notice one very important amendment mentioned by the hon. gentleman from Sarnia with respect to lotteries. I think the consideration of that one question, unless that clause is stricken out at once, will involve a very long discussion. My feeling is this :

With a view of having a code as nearly perfect as possible we should, after this Bill has been read the second time, resolve that it be placed in the hands of some gentlemen who are skilled in the drafting of Bills with instructions to go carefully over it to see that the clauses which purport to come from existing law are correct copies of the sections of which they are supposed to be copies, or at any rate to be satisfied that they embody the meaning of the sections of which they are supposed to be copies, and that the language of the different sections should be harmonized. As it is now you find one expression used in one clause and another expression used in another clause to express the same idea. The language of the various clauses should be harmonious, and amendments which are consequent upon the amendments made in this measure already should be made. Inasmuch as the Bill is not to go into operation until 1st July of next year we would lose nothing by that course. We could take it up early next session in the Senate, and in its improved form it would perhaps pass with very little discussion. I cannot help feeling that to undertake the herculean task it would be to go through this Bill in the way it requires to be gone through now, would be unwise in the extreme. My idea is that when the Bill is read the second time the Premier should take some such course as I have indicated.

Hon. Mr. ALMON—If this debate had assumed a legal aspect I should say nothing at all about it, for I think the proper way to deal with measures of this kind is to leave them to legal experts to decide upon such amendments as are necessary; but the question now before the House is whether we should consider the Bill at all this year. The chief objection comes from the hon. member from Ottawa, who never, according to his own account, darkened the door of the committee to whom it was referred for consideration; and the other objection comes from my hon. colleague from Halifax, also a member of the committee, who, we are told, attended its meetings very carefully, and who tells us frightful things about this Bill —that there has been practically forgery committed in respect to some of its clauses. If that is the case, I think there should be a new law put on our Statute-book at once to provide for such a serious crime. I am perfectly willing, as far as I am concerned, that the thing should be left entirely to the Premier of the House. I shall listen to the arguments of the legal gentlemen on both sides and form my own opinion as to what is best as to the principle of the measure, and leave them to settle the details. On this occasion I give up my private judgment to that of the Premier, who is an expert in these matters.

Hon. Mr. LOUGHEED—Many hon. gentlemen appear to have taken for granted that there is no necessity for the passage of the Bill this session. The best authority I can accept in stating the necessity for the Bill is the authority of the leader of the House that the Government desire to pass it. The Government is charged with this portion of the administration of the criminal law, and no one is in a better position to be a judge of the necessity for this measure than the authority charged with its administration.

Hon. Mr. SCOTT—They do not administer it. The administration of the law is in the hands of the Provincial Governments.

Hon. Mr. LOUGHEED—They are charged with the administration of the criminal law so far as the passage of the criminal law is concerned, and they are responsible to the country for it. Many hon. gentlemen appear to think that as it does not go into operation until July, 1893, that next session it can receive the consideration of this House and become law within the same time as it is contemplated at present. Hon. gentlemen have not taken into consideration this fact: that before this Bill can become law a certain time has to intervene between the Royal assent being given to it and its being brought into operation. We already find upon the face of this Bill that the Government consider that one year is a sufficiently short time to give the public notice that the criminal law of the country is about to become changed, and that a new code is to be enacted; consequently, if we wait until next session the Bill cannot reasonably come into operation until July, 1894. The question arises, are we to assume the responsibility of keeping the country waiting for this Criminal Bill until 1894? I submit to this hon. House that it would be a gross injustice to the public if not less than a year should be allowed to expire between the Royal assent

being given to the Bill and the Act being brought into operation. A great deal has been said about further consideration being necessary for a proper dealing with this Bill. Hon. gentlemen appear to have forgotten the fact that this Bill passed through the House of Commons after due deliberation, and I think that hon. gentlemen present will not charge the House of Commons with being careless or negligent with respect to any legislation that passes through that House. In fact very great fault has been found in this House by reason of the delay in passing of legislation in the other House. It therefore appears to me to be extremely inconsistent to say that the House of Commons on all other occasions delays legislation too long in respect to the consideration they give to it, and in this particular matter they have been remiss in not having given it proper consideration. I say the best legal talent in the country is to be found in the House of Commons, and that legal talent has been enlisted in the consideration and passage of this particular Bill. Moreover, we find that a select committee of both Houses, composed of experts, sat for weeks considering this Bill. It is very easy for hon. gentlemen to become hypercritical in discussing an isolated clause of this Bill, and citing it before the House without regard to the context. The hon. gentleman from Halifax a few moments ago read from an interpretation clause the interpretation of the expression "cattle." My hon. friend neglected to state that ever since 32 and 33 Vic. that has been the law of Canada in respect to the interpretation placed on this particular designation. My hon. friend will not contend that if there has been negligence in respect of the legislation of Canada on this particular matter since that date, that he on this occasion is to set it right when he did not at the committee point out any defect in this particular clause. Have hon. gentlemen considered what the result of throwing this Bill over until next session will be? It is going to place the Bill where it was last year. Hon. gentlemen cannot seriously and sincerely say that proper opportunity has not been given to them for the consideration of this Bill. The Bill was distributed throughout the country in 1890, and ever since then they have had an opportunity of reading, learning and inwardly digesting it; yet, I regret to say, on the present occasion many hon. gentlemen who oppose its passage do not appear to have looked within its four corners since it was distributed.

Hon. Mr. SCOTT—There have been over 250 changes made in it since it was sent to the public.

Hon. Mr. LOUGHEED—These changes are the result of the consideration which the public has given it for the two years since its distribution, and we now have the benefit of that consideration.

Hon. Mr. SCOTT—The changes have been made in the last fortnight.

Hon. Mr. LOUGHEED—I have no doubt they have been made recently in the House of Commons, and before the committee, and elsewhere, as the result of the close attention which has been given to it by the various legal authorities, not only in the two Houses of Parliament, but throughout the country at large. Will hon. gentlemen who are opposed to this Bill say that they are prepared to go through these thousand clauses most critically and annotate them and come down here charged as a digest of law might be in respect to their views and criticisms and their knowledge of what should be the law, even though it were postponed until next session? I have very much doubt if hon. gentlemen will go to that trouble, because we all know when those who are not lawyers undertake to study a matter of this kind, it is discovered on the very threshold that it requires a legal training to decide what is necessary to import into statutes for the remedying of apparent defects. While hon. gentlemen may be competent to pronounce upon the moral principles of law, legal minds are necessary to embody in legal language those principles which we recognize to be statutory and necessary for the good government of the people at large; I therefore say that it is almost unreasonable to expect that hon. gentlemen who are not in the profession will go through the Bill in the critical way in which, on this occasion, it is expressed as desirable. The hon. gentleman from Ottawa has assured us of his desire that this Bill shall receive the utmost consideration. The hon. gentleman, on the threshold of his argument, said that he was opposed to the principle of the Bill, and on that ground alone we do not expect his valuable assistance in regard to the critical preparation of the Act. The hon. gentleman must either give his approval or disapproval

of the Bill, and as he is opposed to the principle of the Bill we take it for granted we are not to have the advantage of his legal acumen and long experience in legal matters in the consideration of it. I will furthermore say in respect of this committee which was appointed for the purpose of going critically through the Bill, that it is entailing on them an immense amount of labour which this House should not ask them to again assume. The refusal of this House on this occasion to pass this Bill will simply place it as it was at the commencement of the session. It will have to be introduced *de novo*. Hon. gentlemen may say we can put it through the second reading and all that will be necessary next session is for the Senate to pass it. But what about the House of Commons and the committee work and the delay of another year to bring it into operation, all of which will be necessary incidents to the delay which is proposed now to take place. If hon. gentlemen are prepared to assume all these responsibilities, and again have this committee revise this Bill and perform the arduous duties which they performed during the present session, they are not appreciating the responsibilities which they assume in not permitting the Bill to pass during the present session.

Hon. Mr. REESOR—From the length of this Bill and its very great importance I feel perfectly satisfied that we cannot do justice to it without sitting here two weeks longer. To sit here two weeks after the House of Commons have gone through all their business, and have them wait to assent to any amendments we may make to the Bill, seems to me to be an absurdity. It has not been shown that the country will suffer if this Bill lies over until next session. If that were shown, it would be another matter; but it has not been shown, and until that fact is demonstrated I see no reason why this Bill should be hurried through. The very fact that four or five subsections have been introduced in the House of Commons without apparently being observed by the leading men on both sides—I refer to those sections that authorize lotteries in the different provinces—shows that members of the House were either very much hurried or that they were too much absorbed in other ways to give that careful attention to the Bill that should have been given, or that they rely too much on the Senate to discover any objections that might be discovered in the Bill. We assume that they trusted to the Senate eliminating any objectionable features found in the Bill. These sections about lotteries were not in the original Bill, as introduced in the other House, and I doubt very much whether the hon. gentleman who had charge of the Bill in the first place, the Minister of Justice, noticed it. Of course, I know nothing about that, but the reason why I believe he did not notice it is that I cannot believe he would have sanctioned it. How gentlemen know the expression of dissatisfaction that has passed over the United States because the States of the Union do not possess the power that the Federal Parliament of Canada possesses to regulate the law in regard to lotteries and other criminal offences. The Federal Government have put the Post Office Department in such a shape as to defeat the object of the lotteries of the Southern States. These lotteries have been carried on to such an extent that a company is given a monopoly of a State under the authority of the Local Legislature on condition of paying so many millions of dollars to the State while the company pocket so many millions more. These things have become a crying evil there, and the country has determined if possible that the federal authority shall put a stop to it, and even the Government of Canada has, I believe, through its Post Office Department, acted in concert with the post office authorities at Washington in preventing these lottery companies from using the mails for their purposes. Considering the fact that such important amendments were allowed to pass into this Bill while it was going through the House of Commons, it is evident that it has not had the attention that would justify our passing it through here in three or four days, or in a week, or even in two weeks, which is too long a period at this late stage of the session. I hope the Premier will consent to have the Bill withdrawn for the present session. It is well understood that the Commons will be through with all their work today, and will be ready for prorogation tomorrow if the Senate is ready, but if this Bill is taken up and passed through the Senate this session it will occupy so much time that it will be a ridiculous thing to retain the House of Commons here until the Senate have finished their business. If we are not allowed to make any amendments we would have to

pass it as it is, and there is no use of our spending any considerable time over it at all.

Hon. Sir JOHN CALDWELL ABBOTT — I have listened with attention to the great variety of objections which have been made to our doing anything more with this Bill, and it appears to me that they may be fairly divided into two classes—the objections of the gentlemen who desire, as a matter of opposition to the Government, to prevent, if they can, this Bill passing this session; and the objections of gentlemen, acting in most respects with the Government, who have a sincere desire (as I flatter myself I have) to see the Bill as perfect as it is possible for the Senate to make it. With respect to the first class of objections, I have, as a matter of course, no sympathy whatever with them. I do not think a desire to burke the Bill ought to be received with approbation by this House, and the objections that tend to that object, I think I can show, with very little difficulty, are entirely groundless. The hon. member from Ottawa, and the hon. senior member from Halifax have made a terrific outcry, as if some deception or fraud were attempted on the House, and I think they took in two or three hon. gentlemen who did not see the precise point, and were misled somewhat by the statements made as to the reference to the clauses from which the law was taken, which are made in a sort of marginal note at the end of each paragraph. And although it was not openly asserted by either of those hon. gentlemen, it was plainly hinted, especially by the hon. gentleman from Ottawa, that it was intended that the House should be misled by these statements. My hon. friend from Halifax, who was on the committee, and I understand a most diligent and attentive member of it, asserts that the committee never knew that these clauses were not exact copies of the sections cited. Now, I think there is not much difficulty in showing that those pretensions belong to the first class of objections to which I have referred, because in the first page of the Bill the purport of these regulations is stated. It is to be found in a footnote at the bottom of the page, and is as follows:—

"Note.—The references at the end of each paragraph or section state the source from which it is taken. In these references D. F. C. means draft code prepared by the Royal Commission in England in 1879. The Bill of 1880 means the Criminal Law Bill introduced into the British Parliament in that year. The statutes referred to are the statutes of Canada."

Now does this say that these clauses are copies of any one of those?

Hon. Mr. POWER—Oh, my, my!

Hon. Sir JOHN CALDWELL ABBOTT — I do not know what possession of the hon. gentleman he means by saying, "Oh, my! my!" I suppose it was his absence of attention at the committee that he refers to; otherwise he could not have been misled by supposing that those are exact copies from any Act whatever. If the note intended to say so it would have said so. But it merely says that the sources from which the clauses are taken are indicated.

Hon. Mr. POWER—That is a distinction without a difference.

Hon. Sir JOHN CALDWELL ABBOTT — How then about the cases where there are citations of two sources at the end of a clause? Does it mean that the clause is an exact copy of both Bills cited? The proposition strikes me as a very extraordinary one at all events. The Bill, in many instances, refers to two sections from which the clause is prepared; yet my hon. friend intimates that this indicates that this clause is an exact copy of the two. Now, the simple answer to that is to be found in the note at the foot of the page, which says, that it is to indicate the source from which the clause was taken, not that it was copied from any clause. That is one way in which hon. gentlemen have endeavoured to prejudice the House against this Bill.

Hon. Mr. SCOTT—The code and the statute law might agree. I did not test the code.

Hon. Sir JOHN CALDWELL ABBOTT — My hon. friend did not read the note either.

Hon. Mr. SCOTT—As a rule they are copies.

Hon. Sir JOHN CALDWELL ABBOTT — Very likely. By comparing them my hon. friend could find whether they are copies or not.

Hon. Mr. SCOTT—Some are exact copies without the change of a word.

Hon. Sir JOHN CALDWELL ABBOTT — I daresay; and my hon. friend from Halifax would not have passed them if they were not

good. I do not see that it makes any difference whether the clause is an exact copy of the original, or simply the adoption of the principle involved. Perhaps the latter is often the better, because while it adopts the principle found in the source from which it comes, it is probable that the difficulties of its interpretation have been manifested after by experiment. That is an illustration of how hon. gentlemen tried to prejudice the House against the Bill. The only question is whether we can pass the Bill properly or not. I say I will not be satisfied myself by passing the Bill without proper consideration. I claim to be as much interested in the character and dignity of this House as any member of it, and I will not consent to this Bill passing unless it can be done properly and thoroughly. So it seems to me that that objection was a little aside from the question. My hon. friend from Ottawa honestly admits that he does not want any Bill at all. He wants to practice the criminal law in the way he learned it in his youth, and before judges who learned it in a similar manner. But I do not see that that ought to prevent us from trying to do what all civilized nations are endeavouring to accomplish—to improve the laws and place them in a form to be plain to every one. The hon. gentleman from Halifax made a quotation as an example of how the Bill was drawn. He read the definition of cattle. I think I heard the hon. gentleman from the North-West say that this law had been in existence since 1832, which is the fact, and it was so before that date. If it was such a very bad clause how is it that we see it here? My hon. friend was a member of the committee; this is the second clause of the Bill, and when he finds fault with the clause, can he tell me that he was overruled by the majority of an incapable committee, so as to put on the Statute-book a clumsy clause defining cattle? It has been before the courts time and again, and it has been found to answer the purpose. Then, if it is a good definition, why should we not adopt it? If it was not good, why did not my hon. friend have it struck out in the committee? I am sure he could have persuaded the committee to do so if it were necessary. But instead of that he comes here, and calls attention to the clause at this late stage of the case.

Hon. Mr. MILLER—We gave special attention to that clause, and it passed with the approval of the hon. member.

Hon. Sir JOHN CALDWELL ABBOTT—Of course I was not there and I do not know.

Hon. Mr. POWER—I think it is a little unreasonable to expect that I should be prepared on the committee to suggest an amendment to every possible clause.

Hon. Sir JOHN CALDWELL ABBOTT—If it had been only the case that the clause should be framed in a more polished manner it would be a differentt matter, but my hon. friend's language about it was very strong; he said it was not a clause which should be permitted to be presented to any legislative body at all.

Hon. Mr. POWER—I did not say that.

Hon. Sir JOHN CALDWELL ABBOTT—I appeal to the House if these are not either the exact words or the substance of them.

Hon. Mr. POWER—What I said was this, that we should try to have a code that we should be proud of, and I said that was not such a definition as one would like to submit to any one skilled in legal phraseology.

Hon. Sir JOHN CALDWELL ABBOTT—I do not think my hon. friend has improved the statement very much, but I am convinced, nevertheless, I was right, though I do not dispute the good faith of what my hon. friend says. However, his explanation suits my argument equally well. He says it is a clause which ought not to be presented to any legal gentleman skilled in the law, and yet it was passed by the committee of which he was a member, without objection. This also seems to me to be an argument used for the purpose of defeating the Bill, by prejudicing the House against the Bill; and endeavouring to show that it is a Bill which should be opposed. He says it is so clumsily drawn that it is impossible to put it right. My hon. friend may be able to draw a clause better than that, but as he has failed once he may again in making a better definition of cattle. Then comes the grand climax: let us send the Bill away to experts, and let them make it for us. We will print and publish it as ours, but let them make it. This is like the proposition of yesterday with regard to the Redistribution Bill. Why should we submit the distribution of our Dominion to experts? Why should we submit the making of our laws to experts? We are here to make them. Hon. gentlemen seek

the honour of a place in this Parliament to assist in making the laws of the country. They are not here to say, after a Bill has been presented in the House of Commons, after it has passed a joint committee of both Houses, through the House of Commons, and come before us—they are not here to say then, we do not attach any value at all to all those proceedings, we do not attach any importance to the labours of the House of Commons on the Bill. We do not pretend to know anything about it ourselves; so we will send it to experts to make a law for us which we can call our own. Hon. gentlemen talk about the dignity of the Senate. What dignity do they show when they declare their incapacity to criticize the criminal law or any other law? If we are not able to make the laws, why not drop the attempt and go home? I do not know of any better argument against the Senate than the fact that when an important Bill comes before us our first idea is to abandon our functions, and relegate the making of the laws to some three or four persons who have not received sufficient honour in the world to be made members of either House of Parliament, but who are supposed to know more about making laws than both Houses, and specially more than the members of the Senate. I hold we are as competent a body as can be found to criticise the criminal code. I hold it is our duty to do it, and we have no right to make excuses for relegating that duty to other parties. The real objection to going on, which is to a certain extent on a sound basis, is the difficulty we may have in getting through this Bill and giving it a proper criticism during the time which may be left for us to do so. Hon. gentlemen talk very freely of the House of Commons being ready to adjourn to-morrow. I doubt very much if the House of Commons will be ready to adjourn to-morrow, and it is quite on the cards that they may not be ready to adjourn for several days. What are we to do in the meantime? Hon. gentlemen say you must not try to criticize the clauses of this Bill—you are not capable of doing so, you must go home for four or five days while the House of Commons is working, and either leave this Bill to be drawn up by experts, or abandon it until next session. We have not done much this session. It has not been our fault, I admit. We have done what work has come before us, and done it well, but the legislation of the country has been very small this year. Perhaps it is better so. I do not believe in tinkering forever at the laws of the country. Fortunately we have not the friction in this House which causes long debates in the other chamber, and these result in very little legislation. Perhaps we have not had more than enough to do this session to vindicate our existence to the public. Then why not go on and do all we can? I proposed that yesterday; I proposed it in all sincerity. I proposed that the Bill should have proper criticism. I propose now that we shall go on with it and deal with it as long as we can. If we can only criticize the first clause let us do it. When we have gone on as far as we can in an efficient way, if we find we cannot finish the Bill this session, then if we can constitutionally take the step which I have suggested, and which hon. gentlemen appear to approve of, we can take that step. I do not know that we can carry it, because the highest authority in the country on constitutional law has said that it is without precedent; but we can try it. But in the meantime why should we not go on as far as we can and try if we cannot finish it? There will be so much done at all events if we can transmit it to the next session, when next session comes. Hon. gentlemen dwell on the statement that there is no necessity to pass this Bill. There are very few Bills which are absolutely necessary to be passed in any session, but surely the criminal law is necessary for the administration of justice. This is a most complete codification of the criminal law, carefully revised and much improved, which every one can refer to. It has been before the country for two years. It was printed and distributed last session, but was not proceeded with, on the suggestion that the country would learn its contents and understand them. It has been before the House of Commons all this session; it was referred to a Joint Committee of both Houses. Why did we send our members to form part of such a committee? In order that we might have the advantage of having it studied by the best legal minds of both Houses, and in order that we need not refer it to a committee again when it came to this House. It is said that the House of Commons only took four days to consider this Bill. That is a mistake. The House of Commons did not pass until the last day more than a hundred clauses a day. When it is remembered that this Bill was referred to a Select Committee,

and carefully considered, and that a great portion of the Bill is taken from statutes already in existence and found to work properly, one can readily see that a good deal of the work of criticism could be done during the time in which the House sits in the twenty-four hours. In reality the Bill has passed through the crucible of the committee, and has been subjected to the criticism of the House of Commons, and it is now before us printed, with every facility we can desire to judge of its contents and further to criticise it, and now, when three or four days exist of the session in which we have nothing to do, why should we sit down and practically declare our incompetence to go on with the Bill, even when we have the time to do it?

Hon. Mr. MACDONALD (B.C.)—Every judge in the country has had the Bill in his hands for some time.

Hon. Mr. SCOTT—Not one in ten has looked at it.

Hon. Sir JOHN CALDWELL ABBOTT—Then those judges have no right to complain of any defect which they have not objected to. Let us pass the second reading of the Bill. Let us refer it to a Committee of the Whole; let us begin its criticism and go on with it, as long as time allows us to do it, carefully and properly. The moment that time fails us we can stop. But let us do what we can to save the necessity of the great labour of passing that Bill again through the House of Commons. The House of Commons have enough to do in the way of their legislation, and in the discussions which they necessarily take part in, without having a Bill of a thousand clauses hanging over them like a nightmare through the whole session, and I should regret very much indeed being placed in the position of having abandoned that Bill, and having to see the labour of the House of Commons done over again next session. If we have not time to finish the Bill let us try to manage, by the process that I have suggested, to have it brought back here again without going to the House of Commons; but I am opposed to relegating our functions to experts.

Hon. Mr. SCOTT—The Bill comes already from what are supposed to be experts. I find Mr. Masters credited with something for drafting the Bill.

Hon. Sir JOHN CALDWELL ABBOTT—The House does not usually draft Bills; it criticizes them. Mr. Masters was one of those who assisted in drafting the Bill.

The motion was agreed to, and the Bill was read the second time.

Hon. Sir JOHN CALDWELL ABBOTT moved that the House go into committee on the Bill after recess.

The motion was agreed to.

THE LIBRARY OF PARLIAMENT.

MOTION.

Hon. Mr. ALLAN moved the adoption of the Second Report of the Joint Committee of Both Houses on the Library of Parliament. He said: The report of the sub-committee appointed to consider the rules governing the use of books of the Library by members of Parliament during the session will be found on page 452. Very much inconvenience has been experienced through members taking from the Library of Parliament books of reference, such as those mentioned in the report, and in many instances keeping them locked up in their desks for days. The matter was brought before the committee, and their recommendation is to be found in the report. I think everybody will agree with me that it is a necessary regulation. The other clause of the report deals with a matter which has been brought up frequently in the Library Committee. Some members when leaving Ottawa take away more books than the rules allow, and retain them for a longer period than they should, having due regard to the convenience of other members who may desire to see the same works. The committee therefore recommend that the attention of members should be called to the rules governing the use of these books, and they should use their privilege with due regard to the convenience of other members.

The motion was agreed to.

At 6 o'clock the House rose for recess.

After Recess.

THE CRIMINAL LAW BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (7) "The Criminal Law of 1892."

On clause 3, sub-section "d,"—

Hon. Mr. POWER said that the clause contained a number of superfluous words. It would be clearer to omit them, and much more elegant.

Hon. Mr. SCOTT said that the clause had been several times before the Legislature and that was the final shape in which it was enacted, and he thought it would be a mistake to alter it.

Hon. Sir JOHN CALDWELL ABBOTT said the same language had been used for forty years and had been found perfectly clear.

The clause was adopted.

On clause "o,"—

Hon. Mr. O'DONOHOE thought that the term "loaded arms" was not sufficiently comprehensive to include breech-loaders.

Hon. Sir JOHN CALDWELL ABBOTT moved that the words "in the barrel" be struck out.

The motion was agreed to, and the clause as amended was adopted.

On the 105th clause,—

Hon. Mr. READ (Quinte) called attention to the fact that the Senate had already passed two Bills and sent them to the House of Commons making certain provisions with reference to the carrying of concealed weapons without reasonable cause. He thought the Senate would stultify itself if it allowed this clause to pass in its present shape.

The clause was allowed to stand.

On the 106th clause,—

Hon. Mr. POWER moved that the maximum penalty be $100, instead of $50, for pointing a loaded firearm or gun at any person.

The amendment was agreed to, and the clause was passed.

Hon. Mr. CLEMOW, from the committee, reported that they had made some progress and asked leave to sit again to-morrow at 11 a.m.

BILLS INTRODUCED.

Bill (84) "An Act further to amend the Railway Act." (Sir John Caldwell Abbott.)

Bill (74) "An Act to amend the Acts respecting the Civil Service." (Sir John Caldwell Abbott.)

Bill (36) "An Act to amend the Acts incorporating the School Savings Bank." (Mr. Power.)

The Senate adjourned at 11.35 p.m.

THE SENATE.

Ottawa, Thursday, July 7th, 1892.

The SPEAKER took the Chair at 11 a.m.

Prayers and routine proceedings.

CRIMINAL LAW BILL

IN COMMITTEE.

The Order of the Day being called, "House again in Committee of the Whole on Bill (7) 'An Act to amend the Criminal Law.'"

Hon. Mr. KAULBACH said: It is quite evident that the feeling of the House yesterday was to perfect the Bill before us as far as possible. The Bill was proceeded with although there was a strong expression from the House that it was a late period of the session to undertake such a work. The importance of the Bill was conceded by every one. Since Confederation we have not had before us a measure affecting so largely the rights, privileges and liberties of the subject as this. It is not the principle of the Bill that is involved in the discussion; the only difference of opinion is as to details, and these details should receive most careful attention. I have nothing to say against the Chairman, but I merely remark that I never heard a gentleman read so rapidly as he did yesterday. The clauses were read in such a manner that although I endeavoured to follow him I was unable to do so, and as I am anxious to understand the nature and scope of the several clauses I hope that greater care will be taken to-day to read them distinctly. Yesterday I several times asked that the clauses be read, but some hon. gentlemen only smiled at my request and cried "carried." Now, nobody wishes to delay the passage of this Bill, but we want to consider it thoroughly. Although I differ on almost every question from the hon. senior member for Halifax I will say this, to his credit, that

with the exception of the Premier himself no member of this House gives the same constant, painstaking, assiduous attention to the legislation that comes before us that he does. He has shown a disposition to perfect this Bill, but when he rises to speak there is a disposition to hurry the clauses through, and this must have a discouraging effect upon him. I hope that my remarks will be taken in the proper spirit, and that my objections will not be considered frivolous.

The House resolved itself into a Committee of the Whole on the Bill.

After some time Hon. Mr. Clemow, from the committee, reported that they had made some progress and asked leave to sit again at the next sitting of the House at 3 p.m.

The report was concurred in.

BILLS INTRODUCED.

Bill (99) "An Act to amend the Act relating to the harbour of St. John, in the Province of New Brunswick." (Sir John Caldwell Abbott.)

The Senate adjourned at 1 p.m.

Second Sitting.

The SPEAKER took the Chair at 1 p.m.

THE CRIMINAL LAW BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (7) "An Act to amend the Criminal Law."

(In the Committee.)

On the 205th clause, sub-section "b,"—

Hon. Mr. VIDAL moved to amend the clause which provides that raffles for prizes of small value at any bazar held for any charitable object should not be made an indictable offence by adding the words "when the articles raffled for have been first offered for sale, and none of them are of a value exceeding $50."

Hon. Sir JOHN CALDWELL ABBOTT—I do not seriously object to the amendment, but I think it is disadvantageous rather than advantageous, and will rather wound the susceptibilities of a great many people.

Hon. Mr. VIDAL—It has been the law on the Statute-book for twenty-five years and has never been found fault with.

The amendment was agreed to.

On sub-section "d," exempting any company or association heretofore incorporated by or authorized under the provisions of any Act of the Parliament of Canada, or any statute of the Provincial Legislature, to do any of the Acts in this section specified.

Hon. Mr. VIDAL moved that the clause be struck out. He said: Lotteries are recognized almost universally as being immoral in their tendencies. We have seen what they have done in the United States, where every effort is being used to suppress them. We have only to look at the issues of the Montreal *Gazette* last January to see the distressing effect on the morals of the people of the lotteries that are in operation in that city. It has been said that my French-Canadian fellow countrymen favour those lotteries, and I think it is only due to them to say that this is a libel upon the French-Canadians, and is not a true statement. Yesterday after I had made my protest against this clause, on the second reading of the Bill, I was asked to meet a delegation sent from Montreal on this very point, who presented me with the following resolution adopted by the Conservative League in Montreal:

"At a meeting of the Conservative League (Ligue Conservatrice), held in Montreal on the 5th of July instant, 1892, it was resolved:

"That a deputation, consisting of Messrs. Athanase Branchaud, Louis Allard, Henri Archambault, Emile Vanier and Lucien Huot, be requested to proceed to Ottawa to urge upon the honourable members of the Government the importance of making no exception towards the Province of Quebec, in any of the clauses of the criminal code now under the consideration of the Parliament, and specially in the clauses having reference to 'betting' and 'lotteries.'

"That the League would consider any exception made towards the Province of Quebec as having a tendency to degrade public sentiments in reference to such matters, and also as an insult to the good sense and public spirit of the population of this province.

"Certified a true extract of the minutes translated from the French.

"LUCIEN HUOT,
"Secretary."

I think it is only fair to these gentlemen, and to the French-Canadians generally, that they should be freed from any accusation that they desire to patronize and retain the lottery in their province.

Hon. Mr. BOULTON—I wish also to present to the House a letter sent to me from

Montreal in reference to this clause. It is as follows :—

RE CRIMINAL LAW AND LOTTERIES.

"Dear Sir :

"An amendment which must have escaped the Commoners has been introduced in the criminal law to prevent lotteries authorized by the Quebec Government to fall under the operation of the law.

"This clause will favour only the Province of Quebec lotteries, which is the only one now in existence, and which has been the most harmful one, because of its high price tickets, the great number sold, and the few—very few—capital prizes paid. In over fifty drawings the capital prize has been paid only three or four times.

"The profits realized are enormous. In a single drawing the lottery has made over $20,000, net profit.

"The society of St. Jean Baptise does not get three per cent out of the profits, which go to private individuals, who, two years ago, were poor people, and who have now sumptuous carriages, and are going to the south in winter.

"The pest is spreading all over the city. In nearly every grocery, saloon, candy shops, newspaper stands, in factories, in mills, every where tickets are sold.

"There is only one way to stamp out the disease : it is to make no concessions to those demoralizers. Even the Quebec Government will be glad if no exemption is made, because its Prime Minister is opposed to lotteries, and they will not be harassed by speculators of all sorts.

"Voicing the sentiments of a large majority of electors, I hope that the Senate will do its duty in this matter, and save our people from ruin."

Hon. Mr. MURPHY—I wish simply to verify what the hon. member from Sarnia has stated in regard to my French-Canadian fellow citizens, and to say that these gentlemen who signed the resolution read to the House are most respectable and responsible gentlemen in Montreal, and to add to his testimony that there has been a great deal of pilfering and thieving going on by young people in that city to obtain money to procure those lottery tickets.

Hon. Sir JOHN CALDWELL ABBOTT—I do not myself favour lotteries, and I sympathize a good deal with what hon. gentlemen have said with regard to them. At the same time we must not be led to commit injustice by any feeling which we have in endeavouring to remedy other injustices. As respects this clause, it is of a general character. I understand that the company or association referred to in this clause as heretofore incorporated by or authorized under the provision of any Act of the Parliament of Canada cannot refer to such institutions as we are supposed to be dealing with. The Credit Foncier of Lower Canada, chartered by this Parliament, issues bonds, and these bonds are redeemed from time to time by lot as money comes in. It is the practice which prevails amongst railway companies and other large companies that have large loans. They draw the bonds by lot which are to be redeemed. The Credit Foncier is the association referred to in the beginning of this clause, and that is no lottery. The hon. gentleman from Sarnia knows very well that the Credit Foncier is not a lottery. The other portion of this clause refers to a somewhat similar association chartered by a statute of the Provincial Legislature of Quebec, for the benefit, I think, of the St. Jean Baptiste Society. It has taken into partnership with it, as it were, a company that runs the lottery and pays the St. Jean Baptiste Society so much for the privilege of doing so. Well, now, that is no doubt the lottery or association which is pointed at by the second part of this clause, and I think a good deal might be said in favour of the exception. I do not think that it is such an extraordinary thing that it is made an exception of here, because it is an exception which is sanctioned by the largest province but one of the Dominion, and it is an association which has already expended a considerable sum of money under the faith of the authority which the Quebec Legislature gave it, and it will lose a considerable sum of money if the Lottery Act is put in force against it. I mention this to show that the clause is not so entirely destitute of reason as hon. gentlemen would be led to believe. Perhaps they are a little carried away by the feeling which they, and I, have against lotteries. I think they are demoralizing, and should not be allowed to be carried on in the country, and the lottery business was characterized as an offence before we ever thought of a code, and before a Provincial Act was passed. At the same time, I cannot shut my eyes to the fact that the Legislature of the sister province passed the Act, and people have invested money and consequently have rights legally acquired.

Hon. Mr. PERLEY—Have they not twelve months under this Bill ?

Hon. Sir JOHN CALDWELL ABBOTT—We might compensate them in that way—by

extending the time. What I propose is an amendment relating to business matters which we cannot properly disregard. There is no possible objection to the Credit Foncier settling how they shall withdraw. We might say that this does not apply to the Credit Foncier du Bas-Canada.

Hon. Mr. VIDAL—With reference to the society alluded to and the money invested, I could give some information that I have become possessed of. The interest of the St. Jean Baptiste Society is this : they receive an annual payment of $5,000 from the few individuals who have the charter ; that is to last for five years, after which the sum is to be increased to $10,000 a year. What does that teach us with reference to the question ? Where does the money come from ?

Hon. Mr. MILLER—How was the money used ?

Hon. Mr. VIDAL—It goes into the pockets of the very few individuals who now constitute the syndicate that controls the original charter.

Hon. Mr. MILLER—How is the money used ?

Hon. Mr. VIDAL—I do not know.

Hon. Mr. MILLER—Perhaps you do not want to know.

Hon. Mr. VIDAL—That company cannot afford to give $5,000 a year out of the profits, and where does it come from? It is stolen from the poor under provincial legislation.

Hon. Mr. MURPHY—Are not those two charters already in existence exempted ? In doing away with these sub-clauses do we interfere with the charters granted by the Legislature of Quebec ?

Hon. Sir JOHN CALDWELL ABBOTT—Yes, if this clause is struck out.

Hon. Mr. MURPHY—Then I cannot support it.

Hon. Sir JOHN CALDWELL ABBOTT—Is my hon. friend speaking of the lotteries, or the Credit Foncier associations ?

Hon. Mr. MURPHY—The lotteries chartered by the Province of Quebec.

Hon. Sir JOHN CALDWELL ABBOTT—If this clause is struck out the exemption will be struck out.

Hon. Mr. MURPHY—Then I will have to move an amendment. I think we should not come in conflict with the second largest province in the Dominion.

Hon. Mr. KAULBACH—If you sanction this exemption you will give a monopoly to the existing associations. The lotteries were chartered in defiance of the legislation of this country. They should have no sympathy from any of us ; they have no sympathy from me.

Hon. Mr. SCOTT—There is an important point that wants to be cleared up. I have compared the draft Bill with the law before us. Are those lotteries now offending against the law ?

Hon. Sir JOHN CALDWELL ABBOTT—Yes ; but the punishment is not so severe as this statute makes it.

Hon. Mr. SCOTT—The question naturally strikes one, why have they been allowed to go on and develop if the law was sufficiently strong to prevent them.

Hon. Sir JOHN CALDWELL ABBOTT—Some of my hon. friends may be surprised to hear me state why : it is because the spirit of the people is not opposed to it.

Hon. Mr. POWER—If the Legislature of Quebec were to undertake to say that it would be no harm to steal, should we therefor say larceny in the Province of Quebec, under an Act of the Provincial Legislature, was no offence ? This is just an additional reason why we should be more stringent.

The amendment, striking out the exemption, was adopted.

Hon. Sir JOHN CALDWELL ABBOTT moved an amendment exempting the Credit Foncier and the Credit Foncier du Bas-Canada from the operation of the Bill.

The amendment was adopted.

Hon. Mr. MURPHY—Can we not exempt the two chartered societies—the Quebec lottery and the St. Jean Baptiste lottery ?

Hon. Sir JOHN CALDWELL ABBOTT—No.

Hon. Mr. MURPHY—Then there is no use of my moving against it; I find I cannot get a seconder for the motion.

Hon. Mr. SCOTT—The Minister of Justice should consider whether the clauses already in operation would be sufficiently strong to stop the lotteries. If they go on now in defiance of the law, surely the law should be made sufficiently stringent to put a stop to them.

The clause, as amended, was adopted.

Hon. Mr. CLEMOW, from the committee, reported progress, and asked leave to sit again after recess.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (84) "An Act further to amend the Railway Act." He said: This Bill makes provision for a number of details in the administration of the railways. There is no continuity in them at all; they are isolated improvements on the companies management, and when we get into committee of course we can take them up one by one.

The motion was agreed to, and the Bill was read the second time.

CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (74) "An Act to amend the Act respecting the Civil Service." He said: This is a Bill to amend one of the clauses of the Civil Service Act which has been producing some difficulty. By the Civil Service Act those persons who were in the employ of the Government previous to its enactment were relieved of some of its conditions, as they could not have a retroactive effect. Some difficulty is now experienced in continuing them in their employment. The object of this Bill is to carry out the spirit of the Civil Service Act in allowing these persons to be continued without reference to the provisions of the Civil Service Act, which, by the conditions of the clause that is to be amended, were held not to be properly applicable to them. The exact details of the clause I will state when the Bill is in committee.

The motion was agreed to, and the Bill was read the second time.

HARBOUR OF ST. JOHN BILL.

SECOND READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the second reading of Bill (99) "An Act to amend the Act relating to the harbour of St. John, in the Province of New Brunswick." He said: This is a Bill to increase the powers of the harbour of St. John, and to enable them to borrow instead of $750,000, which they were authorized to borrow by a statute passed several years ago, one million dollars, adding two hundred and fifty thousand dollars to their borrowing power. The debentures which they are allowed to issue it is expected will be advanced upon by the Government and the revenue of the harbour is such as to justify the Government in advancing this money, it being ample for the purpose of paying interest upon the loan. The figures and details of the revenue of the harbour I will be able to show when we go into Committee of the Whole. The harbour is now partly owned by the city of St. John and partly by individuals. The revenue of the portion owned by the city is about $34,000 a year, and the revenue of the portion owned by individuals is about $18,000 a year. It is proposed to allow the commissioners to acquire both the portion owned by the city and the portion owned by individuals, and as the acquisition of the latter will, perhaps, take some time, the Bill provides for the retention of a portion of the money in the hands of the Government until it is applied to that purpose.

Hon. Mr. POWER—Who are to appoint the commissioners?

Hon. Sir JOHN CALDWELL ABBOTT—The House will perceive that the revenue now is about $48,000, though the harbour is in a very incomplete state. The Governor in Council will appoint a majority of the commissioners. The city of St. John will appoint two of the five, I think. My recollection is that the Government will appoint three. The only condition is that they shall be residents of the city of St. John.

Hon. Mr. KAULBACH—How are they to acquire the property of individuals?

Hon. Sir JOHN CALDWELL ABBOTT — By private bargain ; they have no power of expropriation.

Hon. Mr. POWER—I think there is very considerable difference of opinion amongst the people of St. John as to the advisability of putting the harbour in commission, and that is shown by the fact that although they have had this power for a long time they have never exercised it. Under these circumstances, to put a sum of a million dollars in the hands of commissioners whom the Government will appoint is, perhaps, rather an extreme step unless the consent of the electors of the city be obtained.

Hon. Sir JOHN CALDWELL ABBOTT — My hon. friend is quite right ; that is provided for.

Hon. Mr. WARK—There is something peculiar about this matter, that the Government are allowing this large amount to the people of St. John without its being asked for. The people of St. John asked for $40,000 to assist them in improving the harbour and constructing an elevator. They are trying to get the Government to construct that elevator so as to put them on a level with the city of Halifax.

Hon. Mr. POWER—It will take a good deal more than $40,000 to do that.

Hon. Mr. WARK—They only want assistance. They have agreed to borrow $150,000 and to ask the Government to assist them to the amount of $40,000, because the Government made them pay $40,000 for an old railway which was really only worth the old iron there. I suppose that has been paid and it is wanted back again. They have not asked for this Bill at all. The question of putting the harbour under commission has been, I think, three times discussed. I think it was twice voted down by the Town Council, and it was referred to the people and they voted it down, and the Premier stated the other day that there was no application from the city—that the application was made by the members. The members ought to know what the city wants, but I think it is very extraordinary that without asking anything at all in this shape, so large an amount of money is offered them, when all they want is $40,000 to assist them in doing the work that the harbour commissioners would have to do.

Hon. Sir JOHN CALDWELL ABBOTT — My hon. friend is mistaken as to the request of the city, so far as we know it. I think all the requests have come through the members for the city. They desire the Government to build an elevator. I do not know what it would cost ; I suppose sixty thousand to one hundred thousand dollars, and the people also desire an advance for the purpose of improving the harbour. That would leave the harbour in a very incomplete state, and would involve an advance, without any security or prospect of return, I fancy, before it was done, of something like a quarter of a million of money. The Government were not disposed to make a present of this money in that form, because in reality, although there has been, in former times, a good deal of money thrown away on harbours, yet the great harbours of the country have mostly been made by commissioners on money borrowed in the way fixed by the Bill. If the city of St. John really want the assistance which they can obtain under this Bill, it amounts to this : they would get their money about 2 per cent cheaper than they could borrow it for outside, they of course must testify that by their vote, and there will be no attempt to impose on them the commission or compel them to take this money. There will have to be a vote of the city taken, because it involves the sale of the right of the city in the harbour, and if the city votes against it the money will not be spent. I should think we might fairly take the members for St. John as representing the desire of the city, and they assure us that in all probability this plan will be adopted, offering as it does a prospect of the harbour being effectively completed and placed under one rule and properly managed, and also enabling them to build the elevator and any other improvements they desire to make about the city. It is thought these advantages will induce the city to vote the acceptance of the Bill ; but, if they do not, they will not be obliged to take it.

The Bill was read the second time.

SCHOOL SAVINGS BANK BILL.

REPORTED FROM THE STANDING ORDERS COMMITTEE.

Hon. Mr. GIRARD, from the Committee on Standing Orders and Private Bills, reported Bill (36) "An Act to amend the Act

to incorporate the School Savings Bank," recommending that it be placed on the Orders of the Day for second reading. He moved that the rules of the House be suspended, and that the report be adopted.

Hon. Mr. MURPHY—This Bill had its first and second reading in the House and it has been dropped now for three and a half months. I think at this late period of the session it is rather too suddenly put before us just when we are about proroguing. I intend to move that it be read this day six months. I have reasons for doing so. First, there was no notice given to us; that is admitted by the mover of the resolution. He says there was no petition. These things are irregular. The name implies a matter of banking and commerce, which should have come up two years ago. It is the renewal of a charter and increasing the powers of an institution chartered here in 1886. When the General Banking Act was brought up, in which the savings banks were included, it was not brought in with it. It has been left over for two years without any notice being taken of it. I think where such interests are at stake, where a million of dollars of capital is dealt with, and in addition to that the savings of school children which are very important, and of servants and others of that class are involved, we should be careful. Now the savings banks which were chartered in 1890 have very stringent rules and regulations in connection with them, and until these things are properly examined it is hardly fair to grant such legislation to a chartered institution which has no double liability. That is an important thing. The stock is a million of dollars, and when $250,000 is subscribed or paid up that becomes the working capital. There is no double liability, or any protection of that nature. The other savings banks had a liability of 30 per cent., and the stockholders were liable to the extent of 70 per cent. That is a guarantee that the capital could not be all wasted. If the whole 30 per cent. should be wasted or dissipated, depositors had all the stockholders to fall back upon for 70 per cent. more. For these, and many other reasons which I will not detain the House with now, I move that the Bill be not now read, but that it be postponed for six months.

Hon. Mr. KAULBACH—The motion before us now is the adoption of the report of the committee.

Hon. Mr. POWER—The committee met today, and a member from the House of Commons, the hon. gentleman from Hochelaga, appeared before us and explained what had been done. In the first place, the notices were properly given. It was established by the secretary of the committee that the notice appeared in the Montreal *Gazette* and in one of the French papers in Montreal, and also in the *Canada Gazette*. The notices were given from some time early in January until some time in March. A petition came up here to this House, and was sent back by the clerk to have some informality remedied. The petition was presented in the House of Commons. The Bill was delayed in the House of Commons at the instance of the Minister of Justice, who wished to make some inquiry as to the advisability of passing it, and as the Minister was very busy he did not give his decision in the House of Commons or to the gentlemen in charge of this Bill until a very little while ago, and that is the reason why the Bill comes to this House at such a late stage of the session. But the notices had been given and petitions sent in.

Hon. Mr. MURPHY—Not to this House.

Hon. Mr. POWER—The petition came to this House; but owing to some informality it was sent back again to the petitioners—because the seal of the corporation was not attached to it. I think if there ever was a case in which the committee were justified in recommending that the rules be suspended it is in this case. When the question of the second reading comes up the hon. gentleman will have an opportunity of discussing the question, but he is not in order now.

The motion was agreed to.

Hon. Mr. GIRARD—The matter is now in the hands of this House, and it will be for the House to decide what will be done with the Bill. I do not press for a division in any way. I have a motion to make, in obedience to the rules of the House. These savings banks have rendered great services in European countries, and it will be for the House to decide what shall be done with the Bill. I move that the Bill be placed on the Order

of the Day for the second reading at the next sitting of the House.

The motion was agreed to.

At 6 o'clock the Speaker left the Chair.

After Recess.

CRIMINAL LAW BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (7) "The Criminal Law."

Hon. Mr. CLEMOW, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

The Senate adjourned at 11.20 p.m.

THE SENATE.

Ottawa, Friday, July 8th, 1892.

The SPEAKER took the Chair at 11 a.m.

Prayers and routine proceedings.

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (84) "An Act further to amend the Railway Act."

(In the Committee.)

On the 4th clause,—

Hon. Mr. POWER—Will this provision apply to companies which have already been chartered ?

Hon. Sir JOHN CALDWELL ABBOTT—Yes ; I imagine it will have the effect of modifying the powers of any company that have not been exercised. I do not know that it is an improvement on the existing law ; I suppose this has arisen from the unfortunate fact that so few companies have capital to expend on their railways.

Hon. Mr. POWER—It just means this, that it will make it easier for companies which have no capital whatever to go on and build their railways by floating their bonds.

The clause was adopted.

On the 5th clause,—

Hon. Mr. POWER—It seems to involve unnecessary expense and delay that all these questions of crossings should be referred to the Railway Committee. As there is a provision in the existing law that if the parties can agree amongst themselves, there seems to be no necessity for coming to the Railway Committee.

Hon. Mr. SCOTT—The method is this: when two companies agree they sign an agreement, which is handed to the Railway Committee, and an order is passed sanctioning the crossing.

Hon. Sir JOHN CALDWELL ABBOTT—Of course it is an important matter. Life and property depend on it to an enormous extent, and the reason for submitting such questions to the Railway Committee is that the Government engineer may see that the crossings are all right.

The clause was adopted.

Hon. Mr. DEVER, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (74) "An Act to amend the Acts respecting the Civil Service."

(In the Committee.)

Hon. Mr. LOUGHEED—Might I suggest to the Premier the advisability of extending the third clause of the Civil Service Act to employees of the Government in the North-West Territories ? It appears to me that an injustice is being done to the employees there

who have not the means of coming under the Civil Service Act, and whom these proposed amendments do not reach.

Hon. Sir JOHN CALDWELL ABBOTT—There is no doubt whatever that the extension my hon. friend speaks of must be made; that is quite clear, but the Government are very unwilling to touch the material portions of the Civil Service Act until next session. They propose to introduce a Bill next year dealing with the whole question, and I presume no one will suffer hardship during the next six months.

Hon. Mr. LOUGHEED—No; so long as the Government have the subject under consideration I am satisfied.

Hon. Mr. POWER—I am glad that the hon. gentleman from Calgary has got a more definite statement from the Government on the subject of this Bill than I have.

Hon. Sir JOHN CALDWELL ABBOTT—The hon. gentleman did not ask for it.

Hon. Mr. POWER—I notice in the first clause that these regulations are to be made by the head of the department; all regulations as important as those should be made by the Governor in Council.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend will see that this is not an important matter. It is to cover a temporary difficulty respecting the employment of about a dozen officials whose positions are jeopardized, and who may be thrown on the world unless we pass this Bill. Otherwise the Government would not touch the Civil Service question this session.

Hon. Mr. OGILVIE, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THE SCHOOL SAVINGS BANK BILL.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (36) "An Act to incorporate the Schools Savings Bank." He said: The principle of this Bill has been admitted by the incorporation of the company, who now come to Parliament and ask for amendments to their constitution. There is a doubt as to the legality of their Act of incorporation, and the object now is to remove that doubt by this proposed legislation. I hope that the hon. gentleman from Victoria will not oppose the Bill going to committee, where full explanations will be given.

Hon. Mr. MURPHY—I feel it my duty to oppose this Bill on certain grounds which I now proceed to lay before the House. This School Savings Bank was incorporated in 1886, and the Bill now before us is to increase and extend very much the power given under the original charter. Mr. Desjardins, the promoter of the Bill in the lower House, stated yesterday that this bank was for servants as well as for school children. We had nothing before us to show that in the committee. The company ask that they be allowed to increase their capital to one million of dollars, and when they have $250,000 subscribed, paid up and deposited, the bank can go into operation. I object to this on behalf of those who will be interested in the city of Montreal, from the fact that there is no double liability or treble liability as there is in connection with the other chartered savings banks of Montreal and Quebec. Twenty-five per cent. of their capital is required by law as the working capital of the bank, and the company feel that they have seventy-five per cent. of a liability before them in case of any impairment of capital. This Bill has no such provision. With a million dollars of stock, of which only $250,000 shall be subscribed and paid up, the bank can go into operation. If there is any impairment of capital the unfortunate depositors have nothing to look to. The charters of the two savings banks I have referred to were based on the principle of the Scotch Banking Act—that is, to have a large amount in the shape of unpaid stock that could be called upon at any moment. Consequently, it left, as in the case of the banks in Quebec and Montreal, three-quarters of the amount of the capital of the bank to be called upon when it is found necessary to make good a deficiency. There are certain other irregularities in connection with this Bill also that will prove fatal to it. When we consider that we have other important measures before this House to look into, it would be almost criminal on our part to push this Bill through this session without proper consideration. If it was simply to revive the charter of 1886 there would be no ob-

jection ; but there is more than that in it. The bank is for servants as well as for children, and with a million dollars stock and only $250,000 subscribed and paid up, without any double liability, it is a dangerous Bill for us to pass. They should be governed by the Banking Act of 1871 and the Act of 1891, which not alone guarded the depositors but contained other safeguards for the public. One of the provisions was that 20 per cent of the securities must be in Government bonds, as a guarantee to depositors that they will be protected. The City and District Savings Bank have deposited nearly half a million of Montreal city bonds, on which they make nothing, but which are kept there as a security for depositors. I therefore move that the Bill be not now read the second time, but that it be read the second time this day three months.

Hon. Mr. McMILLAN—They got their charter in 1886 ?

Hon. Mr. MURPHY—Yes.

Hon. Mr. McMILLAN—Did they ever do any business under it ?

Hon. Mr. MURPHY—I cannot say. When they got their charter first the capital stock was only $250,000. They now ask to have it increased to one million, and when they have $250,000 subscribed and paid up they go into operation without any guarantee that if there is a loss there will be any funds to draw upon.

Hon. Mr. POWER—There is a great deal of force in the observations made by the hon. gentleman from Victoria division. I do not question his statements at all, and looking over the original charter of the company I see there is a great absence of protection to depositors ; at the same time, it is not the usual course for this House to reject a private Bill on the second reading. I think it is better to allow the Bill to go to the Committee on Banking and Commerce, and they will likely have a meeting this afternoon, and if they consider it is not wise to proceed with the Bill they can so report to the House.

Hon. Sir JOHN CALDWELL ABBOTT—That is the proper way.

Hon. Mr. MURPHY—I have no objection, and am quite satisfied to accept the proposal of the hon. gentleman from Halifax, and with the permission of the House I will withdraw my amendment.

The Bill was then read the second time.

THE PRINTING OF PARLIAMENT.

THE ELEVENTH REPORT OF THE JOINT COMMITTEE OF BOTH HOUSES ADOPTED.

Hon. Mr. READ moved the adoption of the Eleventh Report of the Joint Committee of both Houses on the Printing of Parliament. He said : This report recommends that certain documents be printed, and certain other documents be not printed. It also recommends the distribution of twenty thousand copies of the Experimental Farm report. The attention of the House is also drawn to the fact of the enormous expense that is entailed on the country by members moving for papers which are brought down and printed, and nobody ever looks at.

Hon. Mr. McMILLAN—That does not apply to this House.

Hon. Mr. READ—It does. It applies to this House as well as the House of Commons. Some of these returns are printed at a cost of two thousand odd dollars, and others the copying alone costs some four hundred dollars, and are never read except by the gentleman who moves for them.

Hon. Mr. ALMON—Does it recommend that twenty thousand copies of the Experimental Farm report be printed for circulation ?

Hon. Mr. READ—Yes ; and a French edition as well.

Hon. Mr. ALMON—I consider it a great waste of money.

The report was agreed to.

THE CRIMINAL LAW BILL.

AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (7) "An Act to amend the Criminal Law."

Hon. Mr. CLEMOW, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again at the second reading of the House to-day.

The Senate adjourned at 1.10 p.m.

Second Sitting.

The SPEAKER took the Chair at 3 p.m.

Routine proceedings.

THE CRIMINAL LAW BILL.

The House resumed in Committee of the Whole consideration of Bill (7) "An Act respecting the Criminal Law."

Hon. Mr. CLEMOW, from the committee, reported the Bill with several amendments.

The report was agreed to and the amendments were concurred in.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of the Bill.

The SPEAKER—It being 6 o'clock, I now leave the Chair.

After Recess.

Hon. Sir JOHN CALDWELL ABBOTT—If no hon. gentleman has any other suggestion to make, I now move the third reading of the Bill, "An Act respecting the Criminal Law," as amended.

The motion was agreed to, and the Bill was read the third time and passed.

THE HARBOUR OF ST. JOHN BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (90) "An Act to amend the Act relating to the Harbour of St. John, in the Province of New Brunswick."

Hon. Sir JOHN CALDWELL ABBOTT—There is a point on which I do not think the Government of the country is sufficiently protected, in the way this Bill has come to us. The object of the Bill is to enable the Harbour Commissioners to buy the harbour belonging to the city of St. John, for the sum of $500,000, which is the sum it cost, and which is the sum now represented by debentures, which will be taken up by the city. The remainder of the loan is to be devoted to the purchase of the private wharves in the harbour, and other improvements, and also to the improvement and extension of the harbour, the construction of an elevator, and so on; but it appears to me that we require to be certain that there shall be a sufficient amount left of the advance to enable the Commissioners to buy these extra wharves and improve them, and that they should not be permitted to spend money on the part of the harbour which now belongs to the city. I propose to suggest an amendment to the Bill, embodying that idea. By the Act of 1882 the Commissioners have the right to buy the harbour belonging to the city for $500,000, thus disposing of so much of the loan, and so much of the remainder of the loan as is required to purchase the private wharves, and the balance will be devoted to the improvements I have stated. I suggest, as a third clause to the Bill, the following, to carry out that intention :—

3. "The fourth paragraph of the said section eight of the said Act is hereby amended by inserting at the beginning thereof the following words: From the remainder of the sum so raised, a sum shall be reserved sufficient in the opinion of the Governor in Council to make the payments required for the purchase and acquisition of other wharf property as hereinafter provided, and for the repair and improvement thereof, and for the construction of such works as may improve the facilities for shipment therein; and by striking out from the said clause the words 'for the purchase and acquisition of other wharf property as hereinafter provided, and.'"

Hon. Mr. POWER—I do not think it is the duty of this House to raise any question as to its own powers in amending a money Bill, and if the other branch of Parliament does not object we have no reason to do so.

Hon. Sir JOHN CALDWELL ABBOTT—If the grant is not disturbed the conditions or details, I understand, of the grant, may be amended by this House.

Hon. Mr. POWER—I am very glad to hear it, for that is a doctrine I have laid down frequently in this House, and for which I have been very much sat upon when I urged it.

Hon. Sir JOHN CALDWELL ABBOTT—I hope my hon. friend will not urge it often.

Hon. Mr. WARK—The great want in the harbour of St. John now is an elevator and the first expenditure the people of St. John require to make would be in establishing a suitable wharf for ocean steamers to load and unload at. Is this amendment going to prevent the commission from undertaking that work?

Hon. Sir JOHN CALDWELL ABBOTT—No; the language of the appropriation for the harbour itself is amended by this Act giving

the commissioners the right to spend the money in extending the facilities of the harbour and expressly for the purpose of enabling them to construct an elevator.

Hon. Mr. KAULBACH—Has the municipality of St. John the power of expropriating private wharves ?

Hon. Sir JOHN CALDWELL ABBOTT—The harbour commissioners have no right to expropriate these wharves, and it is for that purpose the Government propose to retain the money in their own hands, until the arrangements have been made.

Hon. Mr. DEVER—There is no harbour commission in St. John at present. The harbour is managed by the city council, and it requires a two-third vote of the city council to put it in commission. I am very glad that this offer has been made to St. John ; at the same time I cannot say that the city will accept it. There are two parties in St. John, one in favour of improving the harbour by commission and the other of doing it through the city council itself. It is very fair and politic on the part of the Government to place at the disposal of the city of St. John this large amount of money, and I hope some party will avail themselves of the offer to make such improvements to the harbour as will be a credit to the Dominion at large. We have an excellent port, and we did expect and do expect to do a large trade ; but we want to improve our harbour and make it convenient for large ships to come to that port. Without the expenditure of a large amount of money we could not make the improvements ourselves, and for that reason I accept most cheerfully the offer of the Government ; at the same time I am unable to say that we will permit the harbour to go into commission, as it is quite possible the city may undertake the work itself.

Hon. Sir JOHN CALDWELL ABBOTT—It is quite true that the harbour of St. John belongs to the city of St. John, and cannot be disposed of by the city council without the authority of a two-thirds vote of the council. On a former occasion there was a vote in the city council in favour of it, and it was thought that that vote would be sufficient ; but it turned out it was only a two-thirds vote of the councillors present instead of a two-thirds vote of the entire council. I understand that it is very probable, as on a former occasion, that the council will submit it to the people before signifying their decision on this question.

Hon. Mr. OGILVIE, from the committee, reported the Bill with certain amendments. The amendments were concurred in.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

CHINESE IMMIGRATION ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (44) "An Act further to amend the Chinese Immigration Act."

The Bill was read the first time.

Hon. Sir JOHN CALDWELL ABBOTT—The only object of this Bill is to remedy a species of defiance of the law which has grown up amongst these Chinese immigrants. Under the system which has prevailed, a Chinese returning to China had the right to come back within a certain time if he obtained before he left a certificate certifying his being a citizen and having gone from Canada to China. This certificate when he returned allowed him to land without paying a certain fee, or whatever it may be called. It turns out that the Chinese, who are extremely ingenious, forged these certificates to any extent, and the consequence is, instead of forty or fifty Chinamen coming on a vessel from China, the number is three times as many, a large proportion of them with forged certificates, and it has been found impossible to put a stop to this. The object of the Bill is to put a stop to this by requiring a Chinaman, when he leaves, to register his name and description at the proper office at Vancouver, where all the items capable of identifying him are recorded in a book, and when he returns, if he identifies himself as one of the men who are recorded in that book (the burden of proof of which is on him) the fifty dollars is remitted on his return, and the officer of Customs there is made the final judge of the question as to the man's identity. This will put a stop to a very serious abuse of the privilege of returning which has prevailed and grown to a very large extent. I move that the 41st rule of the House be suspended.

The motion was agreed to.

Hon. Sir JOHN CALDWELL ABBOTT moved that the Bill be read the second time.

Hon. Mr. McINNES (B.C.)—This will entail a very great hardship on some Chinamen who are not residents of Vancouver. What is to become of Chinamen who return to the flowery land from Victoria, a distance of 70 miles, or from Kamloops, 200 miles in the interior, when they land in Vancouver, if they are unable to identify themselves there to the satisfaction of the authorities ?

Hon. Sir JOHN CALDWELL ABBOTT—They pay duty.

Hon. Mr. McINNES (B.C.)—In that case, then, the Chinese will require to have different offices. They will have to get their certificates and give a description of themselves at the different Customs houses—at Victoria, Vancouver and Nanaimo, I suppose.

Hon. Sir JOHN CALDWELL ABBOTT—No.

Hon. Mr. McINNES (B.C.)—Only one place?

Hon. Sir JOHN CALDWELL ABBOTT—I should think so.

Hon. Mr. McINNES (B.C.)—Those steamers touch only at Vancouver and Victoria.

Hon. Sir JOHN CALDWELL ABBOTT—I suppose they would give a description of themselves only at the port to which they wish to return.

Hon. Mr. POWER—It occurs to me there is considerable difficulty in identifying a Chinaman, and that possibly it might do to provide a portrait of the departing Chinaman before he left. That is the best way to identify him. It seems to me just a little bit unsatisfactory to leave the decision of the identity of the man to an official who has control of the record. He ought to take photographs of all the men who go.

Hon. Mr. KAULBACH—This Bill is intended further to restrict Chinamen coming into the country.

Hon. Mr. MACDONALD (B.C.)—No ; it is no restriction.

Hon. Mr. KAULBACH—He has to pay something for the certificate.

Hon. Mr. POWER—Only one dollar.

Hon. Mr. KAULBACH—Well, that is a restriction. It is a restriction to a poor man who works at half the usual wages.

Hon. Mr. POWER—I do not see why a Chinaman should be allowed to perpetuate a fraud more than any one else.

Hon. Mr. KAULBACH—The Chinese are needed in this country to develop our mines and industries. The more our industries are developed the better it will be for the Dominion.

Hon. Mr. McINNES (B.C.)—How would you like to see a few thousand of them in Nova Scotia ?

Hon. Mr. KAULBACH—We would have room for all of them. We want to open up a big trade with China, and if we are to restrict the Chinese coming in here they might retaliate. They may shut their ports against us. We are anxious to open up a commerce with them, and when we treat them as we do it is not christian. Eventually they will resort to retaliation.

Hon. Mr. McCALLUM—The christian part of it may do very well, but we have been for a number of years spending a lot of money to get immigrants into this country, and as I understand it, the British Columbia Government is introducing crofters from Scotland to settle on the Pacific coast. I do not think it should be the policy of the Government to allow the Chinese to come into this country and bring their cheap labour into competition with the labour of our own people. The Chinese are not a desirable class of settlers to come into the country, and I am sorry that the Government did not see their way clear to exclude them from the Dominion altogether. I have not the slightest doubt that when the Government come to consider the evils brought into this country by the Chinese they will at an early date take steps to try and diminish that immigration. My hon. friend speaks of trade with China ; what do we get from the Chinese ? Does he ever look at how much we sell them ? Very little, you will find. The Chinamen send all their earnings home to China, and as I understand it, every man of them has a contract by which, if he dies in this country, his body will be shipped back to China.

Hon. Mr. KAUBLACH—They are good labour-saving machines.

Hon. Mr. McCALLUM—The Chinese who come here do not bring their families with them. When they come here they displace our workmen, and that means three, on an average, because Europeans bring their families with them. I am sorry that the Government did not see their way clear to exclude the Chinese altogether.

The motion was agreed to, and the Bill was read the second time.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend from Monck will observe that this Bill ought to please him as much as any Bill could do, except one which would prohibit these people from entering the country altogether, because it endeavours to prevent those people from entering who have no right to enter. The Government are in a very curious position with regard to the Chinese; I do not suppose there is any one matter of policy on which there is such a striking difference of opinion. One set of hon. gentlemen, and a great many outside the House, would desire to exclude the Chinese altogether. Others would desire to admit them without any restriction at all. The only chance the Government has of trying to get on with its work with respect to the Chinese is to adhere to the law that both Houses have approved of, and this Bill is simply to enable them to adhere to the law.

Hon. Mr. McCALLUM—I understand it is a restriction as it is. That leaves it better than it was before.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend must not speak so disparagingly of the trade of China. The trade of the United States with China is large. In 1890 the imports of the United States from China amounted to $16,260,000, while the exports from the United States to China were $2,940,000. I do not see any reason at all why we should not share in this trade to a very large extent, and I think it is very probable we may share largely in it, because the feeling in China respecting the treatment of Chinese residents in the United States is very strong, and the people of the United States are not by any means restricted in the penalties they visit on the Chinese, by the law which is made with regard to their entrance into the country. Now, as respects ourselves, our imports commenced a few years ago with $803,000, and last year they amounted to $2,123,000. That was not with China alone, but with China and Japan. The exports to China are small, of course. They have risen, however, from $37,000 to $67,000 in the period I have referred to. The next time I have occasion to quote those returns, I hope they may be in the millions. I move that the Bill be referred to a Committee of the Whole House presently.

The motion was agreed to, and the Bill was referred to a Committee of the Whole House.

Hon. Mr. VIDAL, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

THE SENATE AND HOUSE OF COMMONS BILL.

FIRST, SECOND AND THIRD READING.

Bill (104) "An Act to amend the Act respecting the Senate and House of Commons," was introduced and read the first time.

Hon. Sir JOHN CALDWELL ABBOTT—This is a Bill intended to recoup members of Parliament, who, during the present session, in consequence of the bye-elections and other public matters, militia camps and the like, have been obliged to absent themselves from the House. The mode which is selected for that purpose is simply to provide that the absence of members from the House during a certain number of days—that is, 12 days—shall not be charged against them, but that this shall not be so dealt with as to give any member more than the maximum amount of the indemnity allowed to him under the Indemnity Act.

Hon. Mr. MILLER—Does it refer to both Houses?

Hon. Sir JOHN CALDWELL ABBOTT—Yes. It was intended, at first, to confine this actually to gentlemen who could state that they had absented themselves on public business; but it was felt that it would lead to a good deal of difficulty, jealousy and misunderstanding, and it was thought better to extend it to members of both Houses.

Hon. Mr. POWER—Is it only a temporary Act?

Hon. Sir JOHN CALDWELL ABBOTT—Only for this session. I move that the 41st rule of this House be suspended, and that the Bill be read the second time presently.

The motion was agreed to, and the Bill was read the second time at length at the Table.

Hon. Mr. KAULBACH—I think we have had so many holidays in the Senate this session that members of Parliament do not require any further consideration.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

BEET-ROOT SUGAR BOUNTY BILL.

FIRST AND SECOND READING.

Bill (102) "An Act respecting the Bounty on Beet-root Sugar," was introduced and read the first time.

Hon. Sir JOHN CALDWELL ABBOTT—Hon. gentlemen will remember that last session, when the duty was reduced upon sugar, the people who were carrying on the manufacture of beet root sugar, and who were only practically beginning that industry with some prospect of success, were, by the repealing of the duty on raw sugar, deprived of the protection they had under the regime that constituted the only protection for that manufacture. The House on that representation continued the bounty, which represented, I think, a little more than one-half the duty, for a year beyond the current year, and that year will expire this session. The production of beet root sugar has been very successful during the past year. It has resulted in affording a large amount of employment for farmers, by whom the growing and selling of beet crops for the purpose of making beet root sugar has been found a profitable occupation. It is also a very useful industry to the farming population, inasmuch as it encourages a proper cultivation of their land and breaks up the old custom which prevails very largely in Lower Canada of taking too many crops of hay and grain from the land without a proper rotation of root crops. It is a most essential thing in farming that there should be a proper rotation of crops to keep up the fertility of the soil, and this system of growing beets for the manufacture of sugar is one of the best for that purpose, and it is attracting the attention of agriculturists in the Province of Quebec, and seems to be the only root crop to which they will devote themselves. In view of that fact the Quebec Government has given the farmers a small bonus for the growing of the sugar beet; representations have been made to us from all quarters of the country as to the propriety of continuing this bounty on sugar manufactured from beet root for a short time longer. There is no doubt that if the manufacture of beet root sugar can be successfully prosecuted in this country it will be a great boon to the farmers and will add very largely indeed to the general productiveness of the soil. For these reasons the Government have consented to propose to Parliament to continue this bounty for two years more, and this Bill is for that purpose, and no other. It is simply for the purpose of continuing the bounty for two years after the expiration of the time that was agreed to by Parliament last session. I move that the 41st rule of this House be suspended as regards this Bill, and that it be read the second time presently.

Hon. Mr. POWER—It is my duty to object, so that I shall have the opportunity of saying something on this subject at the second reading of the Bill.

Hon. Sir JOHN CALDWELL ABBOTT—Would it not answer my hon. friend's purpose as well to say a few words at the third reading.

Hon. Mr. POWER—It may be that my observations may be of so convincing a character that it will not be read the third time.

Hon. Sir JOHN CALDWELL ABBOTT—However convincing my hon. friend's logic may be, I think it would be better if he would allow the Bill to go through the second reading now, and say what he has to say at the third reading.

Hon. Mr. POWER—On that understanding I withdraw my objection.

The motion was agreed to, and the Bill was read the second time.

CUSTOMS BILL.

FIRST, SECOND AND THIRD READING.

Bill (103) "An Act further to amend the

Act respecting the duties of Customs" was introduced, and read the first time.

Hon. Sir JOHN CALDWELL ABBOTT—This is the Tariff Bill of this session, and it is a very small production, which only extends to a few items in respect of which it was thought expedient to make the required provision by law, any important changes that might be desired being postponed until next session. The first item is the duty upon eggs, which has been represented to the Government by farmers, especially those in the western portions of the country, as advisable. The second is the duty upon a coarse kind of molasses. I am sorry to say that I do not understand this technical phrase, but the fact is it is a very coarse kind of molasses, which is not an export which can be made any great use of in this country. I understand that in some cases it runs so very free from saccharine matter that the most scientific experiments cannot discover any in it. Therefore, this duty, which amounts to a very large proportion of its cost, is put on, as it may practically have the effect of checking in a very important degree the importation of it into this country. There are two or three small changes, such as the duty on paraffine wax, stearic acid, and stearine of all kinds, 3c. per lb., and also a duty on glove leathers. There are other articles that are made free, such as oleo-stearine and tin strip waste. Sheet tin is free, but if any body has cut it into strips, that stripped tin cannot come in except at a heavy duty, which is absurd. This tin strip waste is very useful in the manufacture of tin ware, especially in canneries. Nitrate of soda, which is used in manufactures and as a fertilizer, comes in free; but there is another article very much like it, nitrite of soda, which should come in free also, for the same reason that nitrate of soda comes in free. Lime juice, which is refined and bottled rather extensively in this country is also provided for. As the law now stands the duty on crude lime juice which is imported into the country, and which is greatly diminished in the process of refining, is the same as the duty on refined lime juice, which is not according to our theory of the tariff, and we propose to make the crude material free. Then there is a rather important provision with respect to the power of imposing duties on certain goods coming from certain countries. This country has been endeavouring to extend its trade relations with all countries raising the raw products which we use in manufactures, and of course also with those who buy and use the productions of this country. Without giving names, which I think would be invidious, negotiations are going on which, so far, have not reached a favourable result, in regard to the duty on sugar, molasses, cane juice, &c. It has been thought advisable, as we receive other products of these countries at a very low rate, in some instances at a lower rate than our neighbours, many of them free, that we ought to have the same terms from our neighbours on our exports to them of the products of this country, and we have thought it judicious to take power, in case of failure in the efforts we are making to arrive at friendly relations with these countries in regard to imports and exports, to place a duty on the productions of these countries coming to this country that will place us somewhat on a similar footing with regard to them as they occupy now with regard to our productions. That is the most important object of the Bill. I move that the 41st rule of this House be suspended as regards this Bill, and that the Bill be read the second time presently.

The motion was agreed to.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of the Bill.

Hon. Mr. POWER—I do not propose to say much about this Bill. In the first place, I think it is only right to call attention to the fact that the Finance Minister has departed from the uniform practice of introducing his tariff resolutions at a comparatively early stage of the session, and he has, so to speak, sprung this measure on Parliament when most of the members have gone away, and when there is neither time nor inclination to discuss the measure as it should be discussed. I think that the introduction of this measure, and the remarks made in connection with it by the hon. leader of the Government, must have recalled to the minds of some of the hon. gentlemen the observation which the leader of the House made in the course of a discussion upon another matter. He expressed his preference to following the English example rather than the example of other countries which had adopted a different policy from England.

Hon. Mr. KAULBACH—Not their trade policy ?

Hon. Mr. POWER—No, that is just it. The example of England is very good to adopt just when it happens to suit the views of gentlemen of the Conservative party ; but when the views or interests of the Conservative party happen to differ from English policy then it is very much the worse for English policy. This measure shows, I think, a disposition to follow in a very servile way the policy of the Government of the United States. I do not see why we should hesitate to name the country, because the hon. Premier, although he hesitated to name it, described it in such a way that every body knew what country he was referring to. We have held here, and I think it has been felt all over the world —that is where the thing became known— that the policy of the United States in taxing the cans in which the fish were contained, after having agreed to admit fish duty free, was one of the smallest transactions ever perpetrated in an international business. The people in Canada—the public men and newspaper men—condemned that act as being inexpressibly mean. In a little while after these condemnations, the present Government of Canada, anxious to show that they could go just as far down as the people they had denounced, after having made a sort of international agreement to admit certain small fruits into this country duty free, following the example of their neighbours, put a duty on the package containing the fruit. That shows that we could be as mean here as in the United States. There was a general feeling that the McKinley Bill was a very unneighbourly act—that it was aimed, in a great measure, at Canada, and that certain of its details were, one might almost say, contemptible in their character. The one which was looked upon as most contemptible was the putting of a duty on eggs.

Hon. Sir JOHN CALDWELL ABBOTT—I never heard of that before.

Hon. Mr. POWER—Our Ministry, who naturally, with their followers, condemn the United States for putting a duty on our eggs, now propose to show that they can do just the same thing and go as low as their neighbours, and they put a duty on American eggs.

Hon. Mr. CLEMOW—Why ?

Hon. Mr. POWER—Well, I presume they want the duty—I do not know whether that is the reason, or whether they propose to encourage our farmers. I have no doubt that our farmers in the eastern part of Canada will be very much encouraged by the fact that the people in British Columbia will have to pay a considerable duty on the large quantity of eggs that they import. There is another feature of the Bill to which one would not, perhaps, object in itself. The Government propose to remove the duties from articles which constitute the raw materials of certain manufactures. Now, I think there is something to be said in favour of allowing raw materials to come in free, but we should begin by allowing the necessaries of life, which are every man's raw material, to come in free. Why should the raw material of men who are comparatively wealthy—men who have sums of money to spare to invest in certain lines of manufacture —be allowed to come in free, while we put a heavy duty on the raw materials of the workingman—their food and clothing ? This is a benevolent Government—benevolent, not to the masses, but to the classes. This tariff, which as the hon. gentleman said, is small—small in every sense and worthy of the policy of which it is the outcome—may be looked upon as giving in a nutshell the fiscal policy of the present Government.

Hon. Mr. KAULBACH—My hon. friend's arguments and the principles he has laid down, are not consistent with what he sometimes advocates here. I do not know that the food and clothing imported into this country are unduly taxed. The food and clothing used by workingmen are cheaper than they ever were before. Now, as regards the egg question, is it fair that we should allow American eggs to come here free while our eggs are excluded from the United States markets ? So far as British Columbia is concerned, I believe our farmers in Ontario and further west will be able to send eggs to British Columbia if the people of that province cannot raise eggs to supply themselves. With regard to the McKinley Bill, my hon. friend knows very well that it was a great lever in getting hold of the West Indies and Brazil trade. If we can extend our trade, especially with the Spanish West Indies, by discriminating in favour of the West India Islands, where our trade stood in imminent

danger of being lost entirely, we will be doing a great service to the country. If it had not been for the influence of the British Government, we would have been excluded altogether, and no part of Canada would have felt the loss of the Spanish West India trade more than the Province of Nova Scotia, and Halifax and Lunenburg in particular. If we discriminate in some way by which we can get a return and procure in any way the trade of the West Indies—especially of the Spanish West Indies—the policy of the present Governernment will be endorsed by the people.

Hon. Mr. POWER—What has this to do with it?

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend drew a contrast between the position taken yesterday with regard to the Criminal Law Bill and the position taken today on the trade policy. He insists, because we choose to prefer the language of the juristconsults of England, whose criminal law is the admiration of the world, and in its present position the result of centuries of practice and experience, we are acting inconsistently in choosing in our own trade policy to be guided by our own experience. I think the preference which was expressed and acted upon yesterday was justified by the position of the subject which we were legislating upon. But my hon. friend will find, if he reflects a little, that the position of the subject which we are legislating on now is very different from that we dealt with yesterday. We find in England a country which is enormously wealthy, it is true, but which laid the foundation of her wealth, built it up and seized upon the markets of the world by a policy similar to that which we have adopted here. England would never have attained the position she occupies now, with regard to manufactures, if she had attempted to do in the first place what my hon. friend wishes we should do here—enter into competition with the world, and especially with our wealthy neighbours, without any protection or assistance to our manufacturers whatever. We have this additional comfort in the position that we take now: that England has changed her policy already within the present century. She became a manufacturing country with protection; she built up the wealth and prosperity of her enormous empire by means of protection, then she changed her policy and became an absolute free-trader. And yet at this moment of time some of her manufacturers are imploring that some protection should be allowed to them against that competition which assumes the form of making England a sink for the refuse produce of all the manufacturing nations of Europe. At all events, we may say this, that while we are asked to follow the example of England in respect of our trade policy, we ought to be allowed to choose which of the trade policies that England has grown and thriven upon we shall adopt. She was a protectionist country before the adoption of free trade; she is now a free-trader. No doubt the opinions and views of her statesmen were in favour of protection when she was a protectionist country. The views of a good many, though not all, are now in favour of free trade. May we not be permitted to think that her policy under the change which was made may not have been the wisest one that the country could have adopted, and may we not all be permitted to see a strong current of opinion growing and increasing in England tending to the adoption of a similar policy to ours? I think there is not thrown on us the same obligation or inducement to follow the judgment of England at the present time on her trade policy as there is to follow the judgment of England on her criminal law, and on the result of the study, labour and judgment of a series of the most learned judges and juristconsults on the face of the globe. My hon. friend does not act, with regard to his own country, in the way we have been told a husband ought to act towards his wife, and yet I have very often heard it said that a man should be as indulgent to the faults of his country as to those of his wife. My hon. friend never thinks of being to the faults of his country a little blind, and to what she may do well, very kind. No; my hon. friend finds fault with whatever is done in the interest of his country, and he takes occason to find fault with the Government of his country and charge them with bad faith and I don't know what, on grounds which, in point of fact, if they were true he ought to conceal. It is an ill bird that defiles its own nest; but the hon. gentleman makes charges against his country which have no foundation whatever. He went out of his way to charge us with acting with the same meanness which, he says, characterized

the conduct of the Americans when they made our fish free and then put a tax on the cans which contained the fish—that is to say, they put a duty on the packages of fish in order that they might obtain some revenue from the fish. Of course, my hon. friend, who is so well informed on matters connected with this country, knows perfectly well that the undertaking on the part of the United States to admit our fish free was the result of a treaty—of a bargain made that they would admit our fish free—and they had a good consideration for it. Now is there any treaty with respect to the admission of fruit in our markets? We chose to take off the duty on fruit; my hon. friend tells me we chose to keep the duty on packages. I do not know whether we have done so or not, but if we did we acted within our right. We did not make a bargain with our neighbours that we would admit their fruit free, and then, for the purpose of cheating them and collecting a little revenue, put a duty on the packages. I suppose there was a duty on packages all along when there was a duty on fruit, and when the duty was removed from the fruit it was not removed from the packages. And I have no doubt that the United States also retained the duty on their packages when they reciprocally made fruit free.

Hon. Mr. McCALLUM—Yes.

Hon. Mr. ALLAN—At all events, it was not a treaty made, and then a means found to evade it.

Hon. Sir JOHN CALDWELL ABBOTT—There was no analogy whatever between the two cases. If that was a mean transaction upon the part of the United States—and I am not prepared to characterize it exactly in that way—but if it was, the two cases are not analogous. Why should my hon. friend go out of his way to slander his country, and to point out to those who are always ready to find fault with us, that we have been guilty of something equivalent to a crime—that we have been guilty of treating our neighbour in an underhand and dishonest way, when, in point of fact, the charge is quite unfounded? As respects the McKinley tariff, I do not know that in matters of commerce and trade there can be anything new. If a country chooses to adopt a policy which they consider to their advantage, I do not see who can object to it, and as for the manner in which it is done, I do not hesitate to adopt a wise policy for fear I may be told that I am thereby imitating another country. What I think, and what my colleagues think is best for the country, we will do; and we think the measure submitted to the House is one which will be beneficial to the country, and will give it a certain amount of advantage in negotiation; and I hope the motion will be agreed to. My hon. friend does not find fault with it—he does not object to the principle, or consider it bad policy—he does not accuse us of trying to cheat any body on this occasion; then why should he attack this measure in the way he has done, when, in point of fact, judging from the speech he has made, he has no fault to find with it on its merits? It does not constitute a fault to say that, in adopting this measure, we are imitating another country. Why should we not imitate other countries where they do well? The fault would be if we were to imitate them when they do ill; and there is a tendency to do that in some quarters in this country. Now, as to the duty on eggs, many farmers in the country, where they are liable to meet the competition of American eggs, desire to have this duty imposed. They point out that it is only fair that they should be so protected, because their eggs are practically almost excluded from the American market. I never heard any fault found—in the sense that my hon. friend spoke of—in regard to the duty on American eggs. I never thought it was mean of the Americans to impose a duty on eggs, and I never, in fact, expressed the opinion that it was mean. It was very disadvantageous to us—it was, perhaps, unfriendly to us—it had an unfriendly look. The duties imposed at the time had an unfriendly look, because they were imposed on the articles that we were best calculated to sell in the United States; but to say there was anything mean about it, I do not think so. I never said so, and I do not remember having heard anybody else say so. If our farmers, who are prevented from sending their eggs to the United States market, desire at certain points to be protected from the competition of American eggs, I think it is a fair and reasonable proposition, and the Government are doing right in placing the farmers in that position. I do not think it will result in British Columbia or distant parts of the country, where they do not seem to raise enough eggs for their own use, having to pay higher for their eggs in consequence of this duty. It is easy for

us to ship eggs to British Columbia. There is every reason to hope that if British Columbia does not raise enough eggs for the use of its own people that they will purchase them from us. It will lead to a larger trade with them.

Hon. Mr. MACDONALD (B.C.)—They deserve to do without them if they do not raise them.

Hon. Sir JOHN CALDWELL ABBOTT—At all events, if they do not raise them it will encourage the trade between the east and the west, and the greater the volume of interprovincial trade the better it will be for the whole country. As to my hon. friend's remarks on the subject of free trade, I do not know whether he means free trade with the world or free trade with a country twice as heavily taxed as ourselves; but whether it be one or the other I do not think that there is any necessity of referring to it at this moment. The principle of protection to farmers and manufacturers is not a subject that requires any explanation to any body. It has been in force for fourteen years, and it has been successful in the very highest degree. We may be mistaken, but that is our opinion, and any abstract argument about letting in the raw material for manufacturers free, and taxing articles which constitute the raw material which the poorer class of people use, does not seem to me to be one which can be advantageously discussed at this stage of the session. And moreover, it has already been discussed in every possible way, both on the stump and in newspapers *ad nauseum*. The adoption of any policy is an experiment, the results of which are the only tests of its merits, and our policy at present is, to a certain extent, still an experiment, though it is an experiment that, up to the present time, has immeasurably increased the wealth aand prosperity of this country.

Hon. Mr. POWER—And population?

Hon. Sir JOHN CALDWELL ABBOTT—No; the policy has not increased the population very largely. The population has been more largely increased than appears by the last census, of the two decennial censuses last taken, because the one of 1881 was authorized to include in it absentees from the country, who were a very numerous class, while the last was perfectly accurate. And the necessary consequence of that was that the increase did not appear as great as it would have shown if the two had been taken upon the same principle; but I have yet to learn, and I have yet to receive the proof, that the policy of the country with regard to manufacturing has anything whatever to do with the volume of immigration.

Hon. Mr. McMILLAN—I should like to know how many of the young men of this country have gone to the United States and taken to farming there?

Hon. Sir JOHN CALDWELL ABBOTT—Very few; and those who have gone are rapidly returning. At all events, it is a discussion which, on the last day of the session, would take too long to work out. I disclaim any admission of the theory that our want of success, to a certain extent, in attracting large numbers of immigrants to Canada, has any relation whatever to the trade policy of this country. I maintain it is not so, and I think it is capable of proof, and I think if it were not the last day but one of the session I should be able to prove it. But I shall not attempt to do so now, and I shall only oppose my hon. friend's assertion, that our want of success in immigration is attributable to the trade policy, my own statement, that in my opinion, as in the opinion of our friends, the one has no bearing whatever on the other.

Hon. Mr. PERLEY—I do not anticipate that the duty on eggs will have the least effect on the price of eggs in the British Columbia market. I judge so from the fact that when the quarantine regulations were placed on cattle it had no effect on the price of meat. I think the same experience will be found with regard to eggs.

Hon. Mr. POWER—I was rather amused to hear the hon. Premier talk of me as running down my country. I think that is really what this cry of running down the country is. If we say that the Administration is not as good as it ought to be, we are accused of running down the country. I think too well of Canada to suppose that if it had been properly governed the population would not have increased the last ten years, and it is just the abominable policy of the Government with regard to trade and other matters that leaves the population stationary. Then the hon. gentleman spoke of a man treating his country as kindly as his wife. The Government is not my wife, and I should be sorry to have any such partner.

Hon. Sir JOHN CALDWELL ABBOTT—I spoke of the country, not of the Government.

Hon. Mr. POWER—These hon. gentlemen are glad to treat the Government and the country as one now. I remember a time, when they were not in power, when they took a very different view, and denounced the Government of that day in the most vigorous and energetic way, and talked of the manner in which people were leaving this country, and all that sort of thing. There was plenty of blue ruin then.

Hon. Mr. SMITH—It was so at the time.

Hon. Sir JOHN CALDWELL ABBOTT—It was true.

Hon. Mr. POWER—By the way, at that time the policy which they preached, and which they practised—which is a very remarkable thing, because they do not usually practice what they preach—was to stop the exodus and bring back the population which had gone out, and thus increase our own population.

Hon. Mr. MacINNES (Burlington)—It is coming back now.

Hon. Mr. POWER—There have been fifteen years added since, and the people are going out at twice as rapid a rate as before, and few are coming back. One can understand how people will come from northern Dakota and settle in our North-West Territories, because there is no comparison between the two countries—ours is a paradise compared with theirs. The hon. gentleman undertook to talk about England having thriven under a policy of protection. I am not going into that question at all, only to remark that, in saying that England had thriven under a protective policy the hon. gentleman differs from English writers and English statesmen on that subject. Sir Robert Peel said that it was in the interests of his people he abandoned the protective policy, and he boasted that no matter what became of himself, if he lost office, he would have a feeling of pride himself and leave to his children reason for feeling pround of the fact that he gave untaxed food to the people of England. I made a statement with respect to our breaking faith with the Americans in our conduct in charging duty on packages, and the hon. gentleman said there was no truth in it. I find in the Revised Statutes, chapter 33, a provision to this effect:

"Any or all of the following things may be imported into the country free of duty, or at a less rate of duty than is provided by this Act, upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at least at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada."

Under that law small fruits were allowed to come in free from the United States; but our precious Government put a duty on the packages.

Hon. Mr. KAULBACH—The hon. gentleman from Halifax always irritates me when he runs down the trade policy of the country, and calls it an abominable policy. We have had the wisdom of the people endorsing that policy in 1878. He says that the population of the country has not increased as fast as it should have done. But I ask him what is the cause of it? When we have the Finance Minister of the Reform Government proclaiming that Canada is bankrupt, and while the wealth and resources of our country are being decried abroad by people who are acting with my hon. friend, is it a matter of wonder that our population has not rapidly increased? If we have had a decrease in immigration it is because of the cry of the hon. gentleman from Halifax and his friends; but if we have no increased immigration we have increased capital in the country. While the hon. gentleman's friends were in power the people were starving; they could not get work, and when they did they could not earn sufficient to buy bread; but ever since that time the wages of the workingman is doubled, and the general wealth of the people has increased. From every point of view our country is flourishing. Our North-West is opening up rapidly, and that large field for immigration is beginning to attract the attention that it so justly deserves.

Hon. Sir JOHN CALDWELL ABBOTT moved that the 41st rule of the House be suspended as regards this Bill, and that the Bill be read the second time.

The motion was agreed to.

The House resolved itself into a Committee of the Whole on the Bill.

Hon. Mr. MacINNES (Burlington), from the committee, reported the Bill without amendments.

The report was concurred in, and the Bill was read the third time and passed.

SUBSIDIES TO RAILWAYS BILL.

FIRST, SECOND AND THIRD READING.

Bill (101) "An Act further to authorize the granting of subsidies in aid of certain lines of railway therein mentioned," was introduced and read the first time.

Hon. Sir JOHN CALDWELL ABBOTT moved the suspension of the 41st rule of the House as regards this Bill, and that the Bill be read the second time presently.

The motion was agreed to, and the Bill was read the second time.

The House resolved itself into a Committee of the Whole on the Bill.

Hon. Mr. OGILVIE, from the committee, reported the Bill without amendment.

THE SUPPLY BILL.

Bill (100) "An Act to grant to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending the 30th June, 1893, and for other purposes relating to the public service," was introduced and read the first time.

Hon. Sir JOHN CALDWELL ABBOTT moved that the 41st rule of the House be suspended as regards this Bill, and that the Bill be read the second time presently.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 10.05 p.m.

THE SENATE.

Ottawa, Saturday, July 9th, 1892.

The Speaker took the Chair at 11 a.m.

Prayers and routine proceedings.

MOTION.

Hon. Mr. POWER rose to ask the Government what steps they propose to take to put an end to the great and increasing deficit arising out of the operating of the Intercolonial Railway; and will move that an Order of the Senate do issue for a copy of the latest time-table adopted to govern the running of passenger trains on the said railway.

He said: The subject of this motion is a very important one, and if I had been dealing with it at a more appropriate stage of the session I should have tried to have dealt with it to the best of my humble ability in a way that befits its importance. As it is, I cannot do so, and it would be unfair to attempt to do so at this late stage of the session and in the present condition of the public business. It is clear that it is desirable that some steps should be taken to alter the existing condition of things in the Intercolonial Railway. When the Intercolonial Railway proper was completed to Point Levis on the 30th of June, 1877, the capital account of the railway stood at $22,586,000, a very considerable sum no doubt. That represented the construction of the railway from Halifax to Levis and from St. John to Moncton, from Moncton to Shediac, and from Truro to Pictou. Since that time there have been additions to the road, some of which I shall mention. The eastern extension from New Glasgow, in the county of Pictou, to the Strait of Canso, cost $1,321,000. The Cape Breton Railway cost a little over three and a half million dollars.

Hon. Mr. MILLER—What does my hon. friend mean by the Cape Breton Railway?

Hon. Mr. POWER—I mean the road from the Strait of Canso to Sydney. I was wrong in saying that the twenty-two and a half million of dollars represents the cost of the Intercolonial Railway alone. It does not. It represents the cost to Riviere du Loup, and I think that the remaining part of the road cost a little over one million dollars. It was purchased in 1879 from the Grand Trunk Railway Company, from Riviere du Loup to Chaudiere Junction. In addition to these amounts which I have mentioned there was the cost of the so-called Short Line Railway in the counties of Cumberland, Colchester and Pictou. That cost $1,706,000. The cost of the Short Line, Cape Breton and Eastern Extension, all of which are now part of the Intercolonial Railway system, came altogether to $6,639,000. With the addition of the Riviere du Loup section of the Grand Trunk Railway that additional amount would come to, say about eight million dollars.

Hon. Mr. KAULBACH—Does that include the railway in Prince Edward Island?

Hon. Mr. POWER—No; I am not including that. I am dealing with the Intercolonial Railway proper. The capital account of the

Intercolonial Railway on the 30th June, 1887, was twenty-two and a half million dollars in round numbers. We have since added eight millions to that, so that it ought to be thirty and a half million dollars or thereabout. That is what it ought to be if things had been managed in a satisfactory way, and if the operation of the railway had been as successful as it should have been. But as a matter of fact, it appears from the last report of the Department of Railways and Canals that the capital account of the Intercolonial Railway to-day is $53,627,000. That represents apparently about twenty millions which have arisen through deficits charged to capital account, and other things which in ordinary cases on ordinary roads are charged to income. These amounts are added together, and the capital account of that railway now stands at twenty millions higher than it should. The interest on $53,627,000 is a little more than $3,000,000, so that we have to provide for a very large deficit on the Intercolonial Railway. The deficit last year, according to the Minister of Railways, was $685,000. The deficit this year is charged, I believe, so that this road is costing the country now above what it brings in, $1,350,000. So that it is perfectly clear that attention should be directed to this public work with a view of diminishing its cost, if that can be done without diminishing its efficiency. I am not going into the history of the road ; but I think the deficit is due largely to extravagance and bad management. The deficit is increasing year after year. Ten years ago there appeared to be no deficit, or almost none. The present High Commissioner, who was then Minister of Railways, made out there was a slight surplus. It was only apparent, and only done by judicious book-keeping. But this deficit has been increasing in the last few years very rapidly. The increase is due, to a certain extent, to the construction of the short line across the State of Maine, and to the competition of the Canadian Pacific Railway with the Intercolonial. But, aside from that, I think there has been a good deal of extravagance, and a good deal of bad management. The extravagance is manifested in a great many ways. It appears, from the action taken by the Minister, that there were a good many unnecessary employees on the road. The Minister has been recently engaged in dismissing them in great numbers. Whether the men who have been dismissed were in every case the men who should have been dismissed, and whether the ones retained are the ones who should have been retained, is a question I cannot answer ; but it appears from the action of the Minister, and from evidence given by the Chief Engineer before the Civil Service Commission, which appears in the report laid before us, there were a great many unnecessary employees on the railroad, and these employees were taken on largely through political pressure, and a good many of the employees who were there were inefficient. The engineer stated also that there had to be other men employed to do the work of the inefficient men. I know one small place myself, in Nova Scotia, where a little while ago there were three men employed, and after the lapse of about a year, when business had not increased, there were six men employed. One feature of the extravagance has been the unnecessary staff. There has also been a large excess in the cost of supplies and services rendered to the Intercolonial Railway above the market value. Any one who looks at the report of the Civil Service Commission, and the report of the Auditor General, will see that the Intercolonial Railway has paid more than market value for a great variety of supplies which have been purchased ; and it will appear also from the evidence of the Chief Engineer that there are openings for defrauding the public in the matter of these supplies, and there have been large sums paid for advertising and printing to the various newspapers of the Lower Provinces, sometimes the rate being three or four times the business rate of these papers. Another feature in which the management has been extravagant is in the details of the service. For instance, any gentleman who has travelled on the Intercolonial Railway recently will have noticed that the Pullman, and I think the first-class cars, are lighted by electricity. That is, no doubt, the best system of lighting ; but, according to the department, lighting by electricity costs about twelve times as much as lighting by oil, and the Canadian Pacific Railway Short Line is not lighted by electricity. That line is conducted on business principles, and the cars are lighted by oil. I would not object to the use of electricity if there were any large number of passengers on the Intercolonial Railway on the road between Moncton and Levis ; but I know myself, the last time I came over the

road, there were only about three passengers in the Pullman, and the Pullman was brilliantly lighted up with electricity, and continually these trains travel over that portion of the road almost empty.

Hon. Mr. SMITH—Perhaps it was because of the hon. gentleman being on board that the car was lighted up in that way ?

Hon. Mr. POWER—I should be very glad to think it was, but inasmuch as the report stated that the cars are permanently lighted with electricity, I am inclined to think my hon. friend is mistaken. Then there are other extravagances ; for instance, there was the recent purchase of a lot of land in St. John for something over $200,000. The Intercolonial Railway does not do, at the present time, a very large business in St. John. It does very little freight business, and there was, I fancy, no necessity for the purchase of that land at all—at any rate the land was not worth, at the outside, more than $75,000. The person from whom the Intercolonial authorities purchased the land had appraized it in a lawsuit, where it was his object to make the value of it as large as possible, at $90,000 ; and he was to have taken payment for a portion of that sum in the stock of the company which was being got up to purchase it, so that I think it is quite safe to say the Government paid $200,000 for a property that was not worth more than $75,000. There is no doubt that there has been a considerable amount of extravagance in the management of the road. The management has been also injudicious in a great many other ways. For instance, there has been a great deal of "dead-heading" on the Intercolonial Railway ; a great many people have travelled over that road without paying any fare. It is said, and I believe truly, that at election times voters whose politics happen to be of the right stripe have not to pay fares over the Government railways in a great many instances ; and almost any one who has a friend at court, and who is a warm friend of the Government or some of the principal men of the railway appears to be able to travel free—not to get a permanent pass, but to get a trip pass whenever he likes. I know that a friend of mine who went from Levis to Halifax a year or so ago said there were eight passengers in the Pullman, and there was only one who paid his fare—the others all travelled on passes.

Hon. Sir JOHN CALDWELL ABBOTT—I suppose the Senate was going down that day !

Hon. Mr. POWER—No ; it was not at the time of the year that senators travel. The senators, as a matter of fact, do not get passes over the Intercolonial Railway ; they do get passes over the Canadian Pacific Railway, but not over the Intercolonial Railway. They get half fare only.

Hon. Mr. ALMON—The hon. gentleman's experience of Mr. Schrieber is different from mine. I never knew Mr. Schrieber to say "yes" when he could say "no" for anything I have ever asked him.

Hon. Mr. POWER—Mr. Schrieber, in his evidence before the Civil Service Commission, referred to this matter of trip passes, and said that they could not control it—that there was no doubt that these passes were given, and that people were allowed to travel over the road free, and that he had been unable to prevent it. If Mr. Schrieber were let alone he certainly would not be likely to give many free passes.

Hon. Mr. DEVER—I never travelled over that road without paying a fare and a third, and that is one-third more than commercial men are charged—and when I say myself, I mean others as well.

Hon. Mr. POWER—Speaking of the management of the road, I think it is bad management that so many persons are allowed to be carried without paying. Then the arrangement of trains on the Intercolonial Railway a little while ago was certainly not in the interest of the road. Take for instance the through express from Halifax to Quebec. That train started twenty minutes before the Canadian Pacific Railway train. The Intercolonial trains started at ten minutes after two, Halifax time, and the Canadian Pacific Railway trains started at half-past two, and the connections of the eastern branches of the Intercolonial Railway were made, not with the Government train, but with the Canadian Pacific Railway train. The consequence was that the bulk of the business went by the Canadian Pacific Railway, and the Government train ran for miles empty. There is no doubt that the agreement which was entered into between the Government on behalf of the Intercolonial Railway and the Canadian

Pacific Railway, and which dates from July, 1890, was a most one-sided and unfair agreement, altogether in the interests of the Canadian Pacific Railway, and not at all in the interests of the Intercolonial. I do not propose to trouble the House with the details of this agreement. Any hon. gentleman can see for himself. This agreement contains a number of provisions binding the Government to give the same rates for freight, and the same proportionate rates for freight and passengers over the St. John line as over the Quebec line. The difference between the two cases is this, that the Intercolonial, from Moncton to Levis, is 480 miles long; the Intercolonial from Moncton to St. John, where it connects with the Canadian Pacific Railway, is 89 miles. There is a difference of nearly 400 miles in favour of the Intercolonial to Levis—that is, the Government own 400 miles of railway more from Moncton to Levis than they do from Moncton to St. John, and a railway company owning the Intercolonial would naturally give a preference to the traffic that is to go over the long haul. This agreement with the Canadian Pacific Railway bound the Government not to make any discrimination in favour of their own traffic, but to put the Canadian Pacific Railway traffic on exactly the same footing. That was clearly unfair to the Government road. The Government were bound to supply the Canadian Pacific Railway with the most accurate information at short intervals of all the business that was carried over the Intercolonial Railway, and clause 18 of this agreement is as follows:—

"The Minister of Railways and Canals shall use every endeavour to cause station agents or local and freight agents at stations on the line of the Intercolonial Railway east of St. John, excepting St. John, except as hereinafter provided, to be strictly neutral as between the Canadian Pacific Railway *vid* St. John, N.B., and other lines competing with it, and to waybill freight and sell tickets by such of these routes as may be indicated by passengers."

That rule has been enforced most rigorously, and if the intending traveller to the west goes into an Intercolonial ticket office the ticket agent is not allowed, and will be punished if he does it, to indicate to him in any way that the Intercolonial route, of which the Government owns 400 miles more than they do of the Canadian Pacific Railway, is a better route than the Canadian Pacific Railway route. Did any one ever hear of such an arrangement as that being entered into by a private company? The hon. gentleman may smile, but I do not think it is a matter to be smiled at. While the Government is bound to be impartial in that way, any one who reads this agreement will see that it does not bind the Canadian Pacific Railway to anything at all.

Hon. Sir JOHN CALDWELL ABBOTT—It binds the Canadian Pacific Railway to the same rate, though the Canadian Pacific Railway is 400 miles shorter, as my hon. friend said. Who has the advantage of that?

Hon. Mr. POWER—I did not say it was 400 miles shorter. I said the Government owns 400 miles more road. The difference in length from Halifax is about 90 miles.

Hon. Sir JOHN CALDWELL ABBOTT—The distance is about 300 miles shorter.

Hon. Mr. POWER—Not to Moncton.

Hon. Sir JOHN CALDWELL ABBOTT—The distance through to where the two roads meet again, I speak of.

Hon. Mr. POWER—I am surprised to hear my hon. friend say that. The distance from Moncton to Montreal by the Intercolonial is about 90 miles—rather less than 90 miles—longer than the distance from Moncton to Montreal by the Canadian Pacific Railway.

Hon. Sir JOHN CALDWELL ABBOTT—I was speaking of the two through routes.

Hon. Mr. POWER—Those are the two through routes.

Hon. Sir JOHN CALDWELL ABBOTT—Oh, no!

Hon. Mr. POWER—If the hon. gentleman will refer to the report of the Minister of Railways he will see that. Of course, to passengers going from St. John to Montreal the have to take off 89 miles from the distance to Montreal by the Canadian Pacific Railway and add the 89 miles to the distance by the Intercolonial, so that it makes something like 270 miles in favour of the Canadian Pacific Railway over the Intercolonial from St. John. I take it from Moncton. I have just mentioned that this agreement binds the Intercolonial to insist on its ticket agents being impartial—not indicating any preference for the Government road over the Canadian Pacific

Railway. I do not wish to be understood as finding any fault with the Canadian Pacific Railway Company. They are business men, and they were making the best arrangement they could with the Government. I am finding fault with the Government, who were charged with the management of the Intercolonial, and who should not have entered into an agreement of that sort. It is an agreement which would not have been entered into by an independent private company. The practical result, under this agreement, has been, in a great many instances, that the Canadian Pacific Railway have paid commissions to the ticket agents on the Intercolonial, and those Intercolonial employees have done their best to send people over the Canadian Pacific Railway road rather than over the Government road. I know that that has been done, and I have in mind one officer in Prince Edward Island, and another in Cape Breton, who got themselves into some difficulty from their conduct in that matter. This agreement, as I have said, contains no covenants or undertakings on the part of the Canadian Pacific Railway. The Canadian Pacific Railway can make what arrangements they like about their through rates. Inasmuch as the Canadian Pacific Railway, from the reports which have come to us this session, appear to have made a profit of about $8,000,000 on last year's operating, and as the Intercolonial has a very large deficit one would suppose that there would not be a disposition on the part of the Government to allow this corporation, which was making such an immense profit, to take the cream of the business from the Government railway; but that is just what has been done. If you ask any business man in the Lower Provinces he will tell you that the arrangements which have existed since the 1st of July, 1890, on the Intercolonial have been such as to give all the cream of the business to the Canadian Pacific Railway, and to let the skim-milk go to the Government. The Government are quite welcome to carry coal at a loss of about two-tenths of a cent per ton per mile, and flour at a similar loss, but the business which pays does not go over their road to any very great extent. With respect to this freight which is carried at a loss, that is one of the most serious pieces of mismanagement. The Chief Engineer of Government Railways, in his evidence before the Commission, testified that the cost of carrying coal was about five-tenths of a cent per ton per mile, and he testified that the Intercolonial Railway were carrying that coal at three-tenths of a cent per ton a mile, so that the country was losing two-tenths of a cent per ton on every ton of coal carried on the Intercolonial. He testified further that the loss on east-bound flour was even greater than that on west-bound coal. It is perfectly absurd that business should be transacted in that way. No company would dream of conducting business in that manner. This, of course, involves a large deficit to the Intercolonial, a deficit which has to be made up from the taxes of the people at large, and it has very injurious effects. For instance, the carrying of this coal below cost is unfair to the mines in Cape Breton, which ship their coal direct by steamer. It is working the Intercolonial on behalf of the Spring Hill mines, which are owned chiefly in Montreal. It is unfair both to the Intercolonial and to the Grand Trunk Railway, because, of course, they have no chance to get freight which the Government carry at such an exceedingly low rate. Any hon. gentleman who doubts the correctness of my statement on this matter can refer to Mr. Schrieber's evidence given before the Royal Commission. I have tried to indicate certain points in which the management is not judicious, but before I leave this matter of carrying freight at a loss I may mention that the freight which is carried by the road at a loss is not the local freight. There is an impression that the road is kept up in the interest of the country through which it passes. It is not so; the local rates are not too low, but it is the through freight, in which the people of the country through which it passes are very little interested, that is so low. It must strike every body as absurd that a railway, involving in the whole system, including the Prince Edward Island Railway, over thirteen hundred miles, should be managed from a point over eight hundred miles away from its centre. This road is managed from Ottawa. It should not be managed from here. It should be managed from whatever may be regarded as the business centre of the road. No company owning a road like that would manage it from a point so remote from the road, and I think the experience of the Grand Trunk Railway, and the difficulties and the disadvantages they labour under from their business being managed by a board sitting in London, instead of a board

in Canada, is an indication of the disadvantage it is to a great railway to be managed at a point remote from the road itself. It is not necessary to explain how this results in loss to business. A man has a lot of freight he might be disposed to send over the road. He is in Halifax, say, and the freight is landed from the steamer from the West Indies or from Europe. There are two lines—the Intercolonial and the Canadian Pacific Railway. The Intercolonial Railway has only one agent.

Hon. Mr. MacINNES (Burlington)—Can the hon. gentleman inform the House what is the difference between the local rate and through rate on freight and passengers ?

Hon. Mr. POWER—I know the local rates are very much higher. It costs as much to bring hay from Sackville, which is about 160 miles from Halifax, as from Levis to Halifax.

Hon. Mr. MacINNES (Burlington)—The hon. gentleman must be aware that on all railways through rates are much lower than the local rates.

Hon. Mr. POWER—I am aware of that ; I simply say that the local rates on the road are not unduly low at all. It is on through coal and through flour and grain that the great loss is made. If, for instance, a ship arrives in Halifax with a cargo for the west, there is only one agent for the Intercolonial Railway there, and a Government agent is generally not so energentic as a man who is paid by a company. The Canadian Pacific Railway Company have several agents, and the point is this : the Canadian Pacific Railway agent at St. John's has some discretion. The Intercolonial officer has no discretion at all. Before the Intercolonial officer can refer to Mr. Schreiber, or to the Minister of Railways at Ottawa, and get an answer back, the man with the freight has closed with the Canadian Pacific Railway, and the freight goes by that route. The common sense and business-like way to do would be for the Government to recognize the fact, and, as regards St. John traffic and the traffic at all points west of Moncton—that is, west on the road between Moncton and St. John—the Intercolonial cannot compete with the Canadian Pacific Railway ; but as to points north and east of Moncton it can compete, and the business ought to be conducted in a business-like manner.

Hon. Mr. ALMON—Is the hon. gentleman voicing his own opinion or the opinion of the people at Halifax when he thinks the freight on flour should be increased ?

Hon. Mr. POWER—I am voicing common sense. I know that it is very different from the sense of my hon. friend, but still that is what I am talking now. I say that the business-like and common sense thing would be to have that road managed as any company which does its business in a sensible way would do—have the manager at the business centre of the road. Inasmuch as the St. John business must be practically given over to the Canadian Pacific Railway, the proper place for the business manager would be at Halifax, where the freight is landed and shipped. He might be at Moncton ; but either Halifax or Moncton should be headquarters, so that people who have business to do with the Intercolonial would get it done promptly and satisfactorily. I think the Government should pay such an officer a good salary. Mr. Van Horne, to whom a good deal of the success of the Canadian Pacific Railway is due, receives a most liberal salary from a company which does its business in a business-like way. It would pay the Government and the country to get a business manager for the Intercolonial and give him a good salary—to get a first-class man, and pay him well, and let him manage the road from the road. Give him a free hand over the road, with only the necessary supervision which Mr. Van Horne, for instance, gets from his brother directors. In that way I believe that the public will be better served than they are now, and I do not think that we should have to come down every year admitting that there was a still larger deficit than there was before. There is just one other point to which I wish to direct the attention of my hon. colleague in particular, as he appears to be anxious that the road should carry freight at less than its cost—this very fact that there is such an enormous deficit, arising largely from that cause, is putting a strong argument in the mouths of the people who insist that the country should part with the Intercolonial and hand it over to a company. Then we should have Halifax in this condition—it would be completely under the

control of one company; we would have no competition. That is probably what my hon. friend would like.

Hon. Mr. ALMON—On the contrary, the speech made by the hon. gentleman, from beginning to end, is pointing out that the most judicious thing in the interest of the country would be to sell the road.

Hon. Mr. POWER—The hon. gentleman has no right to interrupt me, and no business particularly, though a colleague and an old acquaintance, to misrepresent what I said. I mentioned that the proper way to do was to manage that road as a company would—to get a competent man and pay him a good salary, and to have the road managed from the road. Then the hon. gentleman undertakes to say that I am arguing that it should be sold.

Hon. Mr. KAULBACH—I know the House would rather not hear me at this stage of the session, but some remarks that my hon. friend made should be answered. He desires that the equilibrinm between revenue and expenditure should be restored on the Intercolonial. Now, the Government has, through the Minister of Railways, endeavoured to do that as far as possible, but the moment an attempt of the kind is made we find a clamour all over the country against running it on commercial principles. We have had the Board of Trade and Commerce in Halifax denouncing the Government whenever they attempted to raise the rates, and even when they have not increased rates we have heard demands that the rates be reduced. My hon. friend must know that the local freight rates on the Intercolonial Railway are less than on any private line, and as regards the through freight rates, the heavy freight goes by that road. The paying freight will go by the Canadian Pacific Railway route—the lighter freight. We must remember that the Intercolonial Railway was built, not as a commercial enterprise, not anticipating that it would ever be profitable, but as one of the bonds of Confederation, and that it was built more with that object than with any view of making money out of it. But if this line is to be run on commercial principles, we will have a howl all over the country. It cannot be done, and, in view of the way it has been constructed, I do not believe it can ever be made to pay. The foreign goods coming into the country, the freight coming from the west to Halifax, and west-bound coal, will be carried on the Intercolonial, and the moment you attempt to raise the rate you will have an outcry all over the country. Will my hon. friend say that we should raise the rates on the coal in the public interest? No. Again, if you put an increase of rates on flour we will have another howl. This road was constructed and must be run in the public interest. It may not be in the public interest that the road should be made a paying line. The great object is to promote trade between the east and the west. If an equilibrium between revenue and expenditure can be restored, and at the same time the public can get the advantage of the low rates we would wish them to have, well and good; otherwise we must expect a loss. We have a loss on other works. We have a loss on the canals. They are a part of the system of communication, and we have not received anything from the canals. Therefore, my hon. friend cannot expect, unless he wants a howl raised (especially from Halifax) to have the freight increased. I agree with my hon. friend that the road could be better worked if the headquarters were at Moncton instead of Ottawa There may be a reason why that cannot be done. My hon. friend knows that he would not venture, in the city of Halifax, at a meeting of the Board of Trade, to advocate that this road should be made to pay by increasing the freight on grain or on flour and coal. It would not be tolerated. I think the Government are endeavouring to do all they can in the right direction. No doubt a Government railway always has more employees than are strictly necessary. Men working on a Government line do not seem to feel bound to work to the extent that they do on a company's road. It has never been done. My hon. friend talks about extravagance. At the last election, his political doctor, who ran for Halifax, was going to do wonders—was going to double track the line from Moncton to Halifax, and extend the line into the heart of Halifax and make the freights cheaper on the whole road. That was the policy of the Opposition. That was the policy of my hon. friend's nominee. He knows that the doctor took that position. If that had been the voice of the people, how would we have the road? Instead of a deficit of half a million, we would have a deficit of millions on the road.. When one of the express trains to Halifax was taken off the line

because it was no longer needed, owing to the Canadian Pacific Railway running one there, we had an outcry that it incommoded and inconvenienced the people of Halifax. Do what you may in the interest of economy, there will be fault found, and therefore I say the Government should endeavour to retrench as far as possible, yet at the same time in retrenching they should not lose sight of the great principle of accommodating the public—giving the public as cheap rates as possible over the road and thereby aiding and developing the industries of the country and the interchange of products between Upper Canada and the Maritime Provinces.

Hon. Mr. WARK—As time is precious, I do not intend to make a speech, but I can confirm what the hon. gentleman from Halifax has said about local rates. We pay fully as much as would be exacted on any road conducted on business principles. My hon. friend from Burlington asked if the hon. gentleman could give him any illustration of the difference between the through traffic and the way traffic. I will give him an illustration, though, indeed, it cannot be called way traffic. It is a considerable distance from the Spring Hill coal mines to St. John, but it is 399 miles less than to Levis. The rate charged to St. John on a ton of coal is $1.50; the rate charged to Levis is $1.70; so that coals are carried to Levis, 399 miles, for twenty cents. That is an answer to my hon. friend which, I think, is quite clear.

Hon. Mr. MacINNES (Burlington)—Coal is always carried at proportionately cheaper rates for long distances.

Hon. Mr. WARK—Would any company carry coal for 399 miles at twenty cents per ton? It shows that the through traffic is much too low, and the superintendent reported that they had saved I think $125,000 one year in consequence of the limited coal traffic carried on on the road.

Hon. Mr. POWER—Yes; the less business the road does the better it is.

Hon. Mr. WARK—We in New Brunswick pay fully as much on the road as on any road conducted on business principles.

Hon. Mr. DEVER—I do not know that it is much use talking on this question; it has been discussed so often that the public understand it thoroughly. If the arguments of the hon. gentlemen were to be listened to we would have no traffic at all on the Intercolonial Railway. The Government railway is some three or four hundred miles longer than the other road, and if the freight on that line were increased what would the people of Halifax say? You have no chance of selling Nova Scotia coal in the West except by lowering the freight and making it possible to send the freight to Montreal and the West. I think that the people of Nova Scotia of all others should not complain of the low freights on the Intercolonial. The freights are put down specially for the people of Nova Scotia. It is the strong representation in the Cabinet that Nova Scotia has always been so fortunate in having that has given to that province this point of advantage over New Brunswick and other portions of the Dominion. With reference to the through passengers, is it common sense to think that a route which will take at least forty hours to travel over to get to a certain point can possibly command the same number of passengers as a road that can be travelled over to the same point, with equal satisfaction, as to accommodation and everything else, in some twenty-three hours?

Hon. Mr. POWER—If the hon. gentleman is speaking of the Intercolonial and the Canadian Pacific Railway, he is quite inaccurate. You can leave Moncton by the Intercolonial at the same time as the Canadian Pacific Railway train and reach Montreal about an hour after the arrival of the Canadian Pacific Railway train.

Hon. Mr. DEVER—I have travelled over the road often—too often not to know better than that. I know that from St. John it takes in the neighbourhood of forty-eight hours to get to Montreal.

Hon. Mr. POWER—The hon. gentleman is entirely unreliable in his statement.

Hon. Mr. DEVER—I know what I am speaking about. They may reduce the time now, but we can travel over the other route to Ottawa in twenty-three hours at most. Hon. gentlemen will see at once that it is a saving of time and money to passengers, and they will take the shortest and most satisfactory route, and there is no possibility of inducing people to go by the Intercolonial from the very fact of this difficulty. Again, the Intercolonial was built at a time when the British

Government, in my opinion, had such an influence on the Government at Ottawa that the road had to be constructed on that northern route so as to run through our own country only. Since then commerce has taken to itself the right to construct a shorter route, and in consequence of that, a wonderful revolution has taken place in the communication between the East and the West.

Hon. Mr. POWER—The hon. gentleman will remember I suggested to give up the St. John business to the Canadian Pacific Railway.

Hon. Mr. DEVER—That is a matter for consideration. They may give up the carrying of flour to Halifax and give up accommodating Halifax at the expense of the country. I do not stand up here for the purpose of saying that the Government may not be extravagant in the management of its road. I do not know of any extravagance, but if there is any I trust that the Government will, as early as possible, without losing the benefit to the country of this Canadian route, take steps to reduce the expenditure. I hope they will run it that way, but at the same time I believe if they run it too economically they will lose business. Then our hon. friends will say, "The road is doing no business, and it ought to be shut up." That would not suit them. I do not see how it is possible to satisfy the unreasonable demands of some people. I do not want to run down my sister province, but the whole discontent on the subject seems to come from gentlemen from Nova Scotia. They are not satisfied, no matter what you do. They are not satisfied to get low rates of freight—they are not satisfied to get a preference—they are not satisfied when you raise the freight. How to please them I cannot understand. I think the best course for the Government to pursue is to do the best thing for the whole country.

Hon. Mr. POWER—That is my sentiment exactly.

Hon. Mr. DEVER—But you do not find out the way

Hon. Mr. POWER—I try to.

Hon. Mr. DEVER—You try to, but you do not succeed. We have the road on our hands and we must do the best thing that we can with it, in view of the competition that exists. I do not think it is right to blame people for not being able to overcome the laws of nature. The geographical position of the road is against it in competition with the shorter route by the Canadian Pacific Railway. There are other points that the hon. gentleman spoke about with reference to passengers and dead heads. I know nothing about that, and when I say so I speak on behalf of those who would get a preference if such a thing were to be had. I have always found the Government trying to charge me not only as much as I can travel for by other roads, but more, and in consequence of that I have gone by other routes. I find that I can come here by way of the United States twice as cheap as by the Intercolonial. Therefore, I do not see that the Intercolonial gives a preference in passenger rates. Possibly in election times passes may be given. The cars have to run anyway, and if they give a few passes at such a time I do not think it lies in the mouths of people, who would use such an advantage if they had the opportunity, to censure the Government on that point.

Hon. Sir JOHN CALDWELL ABBOTT—I regret very much that my hon. friend should have put off until the last hour of the session the remarks that he has favoured us with to-day with regard to the Intercolonial. My hon. friend's question does not indicate any such attack upon the management, or of the policy with regard to the Intercolonial Railway as his speech has shown, and therefore, as a matter of course, while I am quite prepared to answer his question—quite prepared to yield to my hon. friend's motion—I am not at all prepared to go into the details of my hon. friend's charges against the road. That would be quite impossible. No man, I presume, could carry in his mind, even if he were the manager, the details of all the subjects covered by my hon. friend's speech, much less I, who have nothing to do with the details and management, and am not myself a railway man, as I think some of my hon. friend's remarks have indicated he is not. I should like, however, to say a word or two on some of the subjects that my hon. friend has spoken of. There is one point about his speech however, namely, that the same objections might have been offered a month ago, when we had little or nothing to do, that are offered to-day—that the greater

part of them consist of the vaguest charges, which sound more like the gossip of the street than definite charges against the management, which could be examined into and refuted if found incorrect, or proved if found correct. There is nothing easier than to insinuate that in making an honest endeavour to reduce the expenses of this road by reducing the staff, the Minister has been dismissing those who are opposed to him politically.

Hon. Mr. POWER—I did not mean to intimate that at all, because I do not think there are half a dozen Liberals employed on the whole road.

Hon. Sir JOHN CALDWELL ABBOTT—That is another fact I know nothing about. I have never had any census taken of the employees to ascertain what their political views were. I understood the hon. gentleman to hint that when the Minister was reducing the number of employees he selected Liberal employees for dismissal.

Hon. Mr. POWER—I never said anything of the kind.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend said it might be a question whether, in dismissing the employees, those who should have been dismissed were turned off. He put it very diplomatically.

Hon. Mr. POWER—The hon. gentleman is giving me credit for diplomacy for which I do not deserve credit.

Hon. Sir JOHN CALDWELL ABBOTT—Then, as my hon. friend does not accuse the Minister of being partial in making dismissals, I having nothing further to say on that point. He stated that an enormous sum had been paid for advertising in newspapers, but he gave no figures. I dare say I know as much about it as my hon. friend does, and that is next to nothing at all.

Hon. Mr. POWER—I refer to the Auditor General's report.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend refers to the lighting of the cars by electricity. That is an improvement which is advocated all over the world. The fact is, among the most horrible accidents which have happened on railways has been the destruction of trains by fire, in consequence of having oil lamps; and it has been recommended everywhere that electricity should be used in all railway trains instead of oil, because no such dreadful results will follow an accident to a train when it is thrown off the track if electricity is used. My hon. friend suggests that we should go back to the antiquated system of using oil on the trains.

Hon. Mr. POWER—If it is good enough for the Canadian Pacific Railway it ought to be good enough for the Intercolonial.

Hon. Sir JOHN CALDWELL ABBOTT—Well, while the general management of the Canadian Pacific Railway is excellent, I do not know that if it happens to be behind in some one respect, we should follow its example on that account. The lighting of trains by electricity is a great advantage to a road, and very much to the interest of the travelling public. With regard to the land at St. John, my hon. friend says it was not needed. The engineers of the company have reported for three years that it was needed—not the whole of it, but a great deal of it was needed. When the land came to be valued it was found that in point of fact it would cost very much more in proportion to get the part that we required than to purchase the whole of it. We were guided by the reports of skilled engineers, as we had not the advantage of my hon. friend's advice, before the land was bought. These engineers stated that between two-thirds and three-fourths of that entire lot was absolutely needed for the terminal facilities requisite for the railway. The first report was submitted to us three years ago. Since then, the land has been valued by two sets of very competent experts. The valuation was made in the first instance by men perfectly competent to value land in St. John. They valued it at above three hundred thousand dollars. This was thought too high by the Government, and it was valued by another set of experts, who valued it somewhere about two hundred and fifty thousand dollars—I am speaking from memory. In view of this large sum it was intended to take only the portion absolutely needed, but the price demanded was so small a reduction on the price of the whole lot, that it was obviously better to buy the whole lot, and sell the portion not required than to take two-thirds at a price largely out of proportion to the price of the whole. I happen to know this and speak with confidence, because I took personal pains to

investigate the matter before consenting to the expenditure of the money. There was no valuation by any of the valuators—some six or seven altogether—that was not largely in excess of what the Government paid, and a portion of it can be sold for a sum that will recoup the Government to some extent for the expenditure made. My hon. friend spoke without due consideration in characterizing that transaction as he did. The agreement with the Canadian Pacific Railway I never saw, but I heard discussions on the subject when the late Sir John Macdonald and Mr. Schrieber were negotiating with the company with regard to that road. My hon. friend imagines that by this agreement the Government is bound not to make any discrimination against the Canadian Pacific Railway, and he complains that the ticket agents of the Canadian Pacific Railway are bound to be impartial in selling tickets. Now, the Canadian Pacific Railway, as it happens, has a shorter road than the Intercolonial between the seaboard and Montreal, and the danger to the Intercolonial was that the Canadian Pacific Railway would cut down the prices—would reduce the price to a rate for which it would be absolutely impossible for the Intercolonial to carry. And the stipulation which my hon. friend speaks of was made in the interest of the Intercolonial, to prevent the Canadian Pacific Railway cutting down the rates. I know that all those points were discussed by Mr. Schrieber (who thoroughly understands the management of railways) with some of the officials of the Canadian Pacific Railway—I do not know whom—and to this day the greatest complaints are made by the Canadian Pacific Railway that the agreement was not such an agreement as would be made with them if the Intercolonial had been managed by a company—that it would have been much more favourable to them if it had been an agreement with a private company. The kind of agreement which was made is the commonest in the world where two railways are run from the same termini. It is absolutely necessary for the existence of railways to have an agreement of this sort where there is direct competition between them and from the same termini. There always is ultimately, because though at times they will cut down their fares, and carry passengers for nothing, or next to nothing, yet by circumstances they are always forced to come back to the principle that there should be an arrangement with regard to fares, and these fares are made identical, though there be a difference in length of roads, because neither road can have a fair proportion of the passengers without such an arrangement. In every case of this kind the benefit is to the owner of the longest road—there is an indirect benefit to both, because the prices are kept up, but the actual benefit is to the longest road, inasmuch as by that means the shortest line is prevented from cutting rates, which they can always do to the extent of the difference in length between the two lines. The precise details of the agreement I do not know—I am not sure that I ever saw them—but I know from the discussions about two years ago, when the agreement was made, that it was an agreement made strictly upon business principles between the railway managers of the two roads—Mr. Schrieber, on the one side, and some of the Canadian Pacific Railway people on the other. Sir John Macdonald, of course, was not familiar with the details of running railways, and could not exercise much judgment as to the precise details ; but I know he received representations from Mr. Schrieber upon all these points. Mr. Schrieber pointed out to him the exact result which was expected to be derived from every one of these conditions, and in making the agreement there was no doubt it was made with better regard to the interests of the Intercolonial than any agreement that would have been entered into by the Canadian Pacific Railway with any other company, because of the influence which the Government and Parliament could exercise in dealing with the Canadian Pacific Railway. The hon. gentlemen complain about the low rates for freight and passengers on the Intercolonial. I suppose my hon. friends from the Maritime Provinces are pleased to find that the Government are censured for granting these low rates in respect of their trade ?

Hon. Mr. KAULBACH—No ; they are not.

Hon. Sir JOHN CALDWELL ABBOTT—I am a little surprised to find the hon. gentleman from Halifax collecting complaints against the Government in this matter, but when he takes the high stand that he is speaking in the interests of the country generally, notwithstanding the fact that it is against the interests of his own province, of

course I must beg to bow to his disinterested generosity and patriotism.

Hon. Mr. POWER—I do not admit that it is against the interests of my own province.

Hon. Sir JOHN CALDWELL ABBOTT—The hon. gentleman says that flour and coal are carried at a rate much below cost. Of course he considers that his province is not interested in flour and coal. It appears to me that it is in the interests of the Maritime Provinces that flour should be brought to them from the West cheaply, and that coal should be carried from the Maritime Provinces to the West cheaply. I do not know what the object of the complaint is, but the complaint itself is that flour is carried East at too low a rate and that coal is carried West at too low a rate, and one is naturally surprised to hear this from a gentleman representing the Maritime Provinces, unless it can be accounted for on the magnanimous principle that the hon. gentleman alleges. The hon. gentleman thinks that local traffic is the only traffic that is of any benefit to a railway. I am not a railway man, but I do think it is far better for the city of Halifax to get its flour ten or fifteen cents a barrel less than they would have to pay for it if the freight rate were higher.

Hon. Mr. POWER—I did not say that it was not better for Halifax.

Hon. Sir JOHN CALDWELL ABBOTT—My hon. friend complained that coal and flour were carried below cost.

Hon. Mr. POWER—I did.

Hon. Sir JOHN CALDWELL ABBOTT—Did not the hon. gentleman say that the through rates on flour and coal were too low?

Hon. Mr. POWER—I said that they were lower than the local rates for freight in the district through which the road passes.

Hon. Sir JOHN CALDWELL ABBOTT—That is partly the proposition I attributed to the hon. gentleman. I say, however, that these through rates are infinitely more important to the province than the local rates. It is quite true, as the hon. gentleman says, that the local rates are moderate, but I do not think he is quite fair in saying that coal and flour cannot be carried for the rates charged for them.

Hon. Mr. POWER—I stated that Mr. Schrieber said so.

Hon. Sir JOHN CALDWELL ABBOTT—It is very probable that freight costs more in the hands of the Government than it does in the hands of a private company, but I believe that flour and coal can be carried at the rate that is now charged for them, and if the road could be placed in other hands and we could be saved from the loss we are sustaining from it, upon the condition that the present tariff should be preserved as far as flour and coal and other things are concerned, I believe that railway companies, or individuals forming railway companies, could be found to undertake that service at the same rate it is now done, doing it in an economical way, and in the way which railway companies manage railways. I am informed that it can be done. When the reforms mentioned have been carried out by the Government, I am under the impression that flour and coal can be carried at the rate now charged; but I do not think we will make any profit. Railway companies largely depend for any profit they make on the local traffic, and very little on through traffic. Through traffic is generally put down at the lowest possible rate, where there is competition; but the freight which a railway company carries in long hauls pays them in many other ways. It keeps up the organization—it keeps the road open for any exigency—keeps the trains running, and has many other advantages I do not know anything about. If flour and coal can be carried at cost by the Intercolonial it is all that can be done. Any one who runs the railway will have any profit there will be from the local business. With reference to my hon. friend's question, he asks me what steps we propose to take to put an end to the great and increasing deficit arising out of the operating of the Intercolonial Railway. Last session this question came up. I think I then pledged myself that one of the first duties of the Government after organization would be to make an investigation into the Intercolonial Railway, and endeavour to reduce the expenses. The pledge, like other pledges of this Government, has been carried out. Mr. Haggart, the Minister of Railways, who understands the operation of railways thoroughly, has undertaken the work. He has obtained a vast amount of information about it, and he has made already considerable changes in the way of cutting off

superfluous trains and discharging superfluous men; and for the last four months, my hon. friend will be glad to know the returns show a surplus over running expenses. From the time Mr. Haggart has taken these really effectual steps towards improving the system, the road, he assures me, has paid a little over running expenses. How long that may continue in the face of the necessary improvements that are to be made, of course, I do not know; but he has not yet paid the personal visit to the road which he intends to do in order to make the personal examination of it that he intends to make after the session. How far the railway can be run without an expenditure that would diminish this profit I do not know. However, that will be known as soon as the road has been visited by the Minister, so that the means which the Government have taken, and are taking, and propose to take to put an end to the deficit on the Intercolonial Railway, are to have a thorough investigation into the affairs of the road—to run the road with a better adaptation of the trains to the interests of the traffic, and with greater regard to economizing the work and expenditures of the road; and by this means the Government hope to reduce the deficit, if not altogether to remove it. With regard to the other part of the motion of my hon. friend, that an order of the Senate do issue for a copy of the latest time table adopted, to govern the running of the passenger trains on the Intercolonial Railway, I have no objection to it.

Hon. Mr. DEVER—There is one point that comes up in this debate that I think I have a right to refer to. I am the only representative here from the city of St. John, and the question has come up in this debate, and I have been spoken to several times with reference to it—of the purchase of the property in St. John by the Government. I have known the property in question since I was a boy, and have passed it thousands of times, and I think if it had not been purchased by the Government I could put a price on it. I unhesitatingly say that if the Government must have this property, it makes a very great difference in the price. I do think that since the Government secured the Moore property giving a frontage on Main street, that it was essential that they should at least purchase a large strip of this other property, because if they did not get hold of this strip the property known as the Moore property was of no use to them at all. It gives another front to the property, without which they could not utilize it for railway purposes. On that basis I do not think the Government is to blame for having paid more for the property than it would bring in the market. I unhesitatingly say that it would not bring so much if thrown on the market; but inasmuch as the Government had to get it, we all know that when the Government want a piece of property of that kind they have got to pay more for it than other people. Therefore, we cannot find great fault with the price given, because after they get the strip of it that is required for the use of the railway they can dispose of the balance for a handsome sum that will reduce the cost of the property to the country.

The motion was agreed to.

THE CENSUS.

MOTION.

Hon. Mr. TASSE (in French) moved—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all instructions given by the Department of Agriculture to the enumerators, with the view to ascertain on what basis has been prepared the Bulletin indicating the number of English-speaking and French-speaking Canadians, residing in the country, according to the census of 1891.

Hon. Sir JOHN CALDWELL ABBOTT—The facts and figures which the hon. gentleman has submitted justify his request that an investigation be made. If, as he claims, there has been an error in the compilation of the census returns, it should be corrected. I have no hesitation in saying that the Government will have great pleasure in taking steps to ascertain if there are any errors in the census, and, if any should be found, that they shall be corrected. There is no objection to the Address.

The motion was agreed to.

SCHOOLS SAVINGS BANK AMENDMENT BILL.

REJECTED.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (36) "An Act to amend the Act to incorporate the Schools Savings Bank," with the state-

ment that the preamble of the Bill had not been proved.

THIRD READING.

Bill (102) "An Act respecting the Bounty on Beet Root Sugar." (Sir John Caldwell Abbott.)

SUBSIDIES TO RAILWAYS BILL.

THIRD READING.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of Bill (101) "An Act to authorize the granting of subsidies in aid of the railways therein mentioned."

Hon. Mr. McCALLUM—Having looked over this Bill I wish to say a few words. When this Bill was read the second time, and went through the Committee of the Whole, I was not in the House. There are some questions that I should like to ask the Minister about this Bill before it is read the third time. I think that a good deal of it is new. Two years ago we had an assurance from the Finance Minister that he was going to economize as far as possible in this direction. Now, I do not find any fault with the policy of assisting railways—that is, if the Government of this Country are flush. If they have a full treasury and can get a railway built through an unsettled country by offering a subsidy of $3,200 per mile it is the best investment they can make. On the contrary, I am of the opinion that where you have a road already through a settled country it is a mistake to subsidize a railway to run alongside of it, because it is ruinous to the existing company. I do not know how far this may be done in the Bill before us. I find that the amount voted by this Bill is $3,676,969 ; a great deal of it re-voted. The amount of new subsidies is $1,544,544. That is a large sum. If the Government can spare the money it is all very well ; but I hope it will be applied to aiding the construction of railways where people have no railway facilities. In the old settled parts of the country people should build their own lines. At this late stage of the session I do not intend to occupy the time of the House in criticising the Bill further ; but if I am alive next year and in my place in the Senate, and this system continues, I shall consider it my duty to look a little further into the matter. Probably the Prime Minister can give us some explanation of some of these appropriations, if he does not think we are too much crowded for time. Last night I had to leave this Chamber for a few minutes, and when I returned this Bill had been read the second time and passed through committee, though it involves an expenditure of $3,676,969. I do not say that it is not all right ; I have no doubt that the Governor in Council has considered it carefully ; but it was only laid on the Table yesterday afternoon, and I thought we should have had more time to look through it. If any further aid is to be given to railways in future, I hope the Bill will be laid on the Table at an earlier date of the session than it has been this year, so as to give everyone time to examine it thoroughly. I have no disposition to oppose this Bill in *toto*, because I might be doing a great injustice by taking such a course ; I might be opposing some undertaking which would be of great benefit to the country.

Hon. Mr. MACDONALD (P.E.I.)—I regret that this Bill was not brought in at an earlier period of the session. I think it has not received that serious consideration which a Bill of this kind should have received. It came in yesterday, passed the second reading, and has received less attention than any Bill we have had before us this session—in fact we paid more attention in the Inspection Bill to the fee to be charged for inspecting a barrel of apples than we have paid to this Bill involving the expenditure of some three million of dollars. I think the country has been very liberal in voting money in support of these railways. Many of them may be of local benefit, but some of them are not for the general benefit of the Dominion, and the money we are now giving to these railways will inure chiefly to the benefit of the locality, and of the promoters of those railways and the gentlemen who are stockholders in them, rather than to the general advantage of Canada. While the Government are liberal, and have always been liberal in voting money for the construction of railways, they have not been so liberal in the expenditure of money in other respects. I know that very large public works in the province from which I have the honour to come—public works which have cost many thousands of dollars—breakwaters which have cost tens of thousands of dollars—are allowed to remain out of repair for the want of the expenditure of a few thousand dollars. I

refer particularly to the breakwater at Souris, P. E. I., a work that cost $100,000, and I do not see in the Estimates this year that there has been any money voted for the improvement of that work. It will require $5,000 to repair the damage that was done to that work by the storms of last year, and I do not see that any money has been voted for that purpose. I believe that if it is allowed to go on without these necessary repairs being done during the present season it will cost $50,000 to repair it next year. Under the circumstances, seeing that the Government are so liberal in voting money to extend railways throughout the different provinces, it is only what we might expect from them, that they should vote, in the first place, money to maintain in an efficient condition the public works which are already constructed, and are the property of the Dominion. That is not the only respect in which they have dealt parsimoniously with public works in the province from which I come. There are various other public works there which I do not think have received that liberal treatment from the Government of the Dominion that they should have received. Before Confederation we had a line of steamers connecting the Island with the neighbouring province, for which service the Local Government granted a subsidy of from $20,000 to $50,000 a year at different periods. Now the Government of the Dominion vote as much money to construct one mile of railway, under this Bill, as was granted by the Local Government to the steamers to connect our Island with the other provinces, while they vote nothing to our enterprise. Under these circumstances, I think the expenditure provided for in this Bill is somewhat lavish, and if it had come in at an earlier period of the session, and had been discussed as many smaller Bills have been discussed, I have no doubt that many other hon. gentlemen would perhaps look at some of the appropriations which are made in this Bill in a more critical spirit than has been done on the present occasion, when it passed almost without any attention through its first and second readings. At this stage of the session it would be useless for me to say anything further in support of the views I entertain on this matter, but I hope that on the next occasion, when a measure of this kind comes before the House it will be dealt with as the hon. Premier said it should be dealt with, at the last session of Parliament. I believe we are expending more money than the resources of the country warrant just now in granting bonuses to railways in various sections of the country which are not in all respects for the general advantage of the Dominion.

Hon. Mr. KAULBACH—I understood that this was simply a re-vote ?

Hon. Sir JOHN CALDWELL ABBOTT—All but $1,500,000.

Hon. Mr. KAULBACH—I think the Government should have brought down this measure at an earlier period of the session, so that we could look into it more closely. There are some gentlemen from Moncton who are largely interested in one of these undertakings and they are desirous that the money voted should be advantageously expended. We have done the bulk of the work of the session within the last eight or ten days, and if the Government bring down their measures earlier in future we will do the work better and have less grumbling and dissatisfaction than when we have to remain here five months and put through the business of the session in a few days.

Hon. Sir JOHN CALDWELL ABBOTT—It is certainly too short a time on the present occasion to give proper consideration to this Bill ; but my hon. friend knows it was practically impossible to get it here sooner. Moreover, the bringing up of a Bill for railway subsidies at the beginning of the session would not work well. It would be too long a period for every member to agitate for his own locality to get assistance. I entirely agree with the hon. gentleman from Monck as to the principle on which these subsidies should be granted—that they should be granted where railway connection is necessary and where the condition of the people is such that they cannot build a railway unassisted, and where there is no railway competition. There is no case in this Bill—I think I may say it with absolute certainty—where any new subsidy is granted to a railway that would create direct competition with any other railway. Nor is there any section of the country where a railway has a bonus under this Bill in which the people would be competent to build a railway themselves without assistance. The only railways, in fact, which pass through a settled portion of the country are railways south of the St. Lawrence leading to the great railway

arteries of the United States. These have no connection with each other and a large portion of the population is entirely without the means of reaching a market. That is the only case where a subsidy is granted even in a populated country. All the rest are for railways through sections of the country where population is sparse, and where they do not create competition with any existing railway. These are the principles on which this appropriation, in so far as it is new, is framed, and I do not think that even amongst the other there is any case where the appropriation would assist in creating direct competition with any other railway. My hon. friend from Prince Edward Island is rather severe in his criticism of the amounts which we are giving for railways, and wrong, I think, in the principle he would adopt—that is to say, that he would confine the grants for railways to those which are for the benefit of the Dominion, and not to those which are for the benefit of a locality. My hon. friend might recall to himself an instance where a very large sum indeed has been expended in building a railway—not only in subsidizing to the extent of $3,200 a mile, but in actually building it, and that, too, for the benefit of a locality. No doubt it is an important locality, the province which the hon. gentleman represents ; nevertheless it is a locality, and this road was built and is run by the Dominion at a loss of about $100,000 a year. Of course this circumstance might, to a certain extent, have the effect of restraining too great liberality towards that particular locality in other respects ; and I only refer to it as an illustration that what is a benefit for a locality is for the benefit of the Dominion. The Dominion is but an aggregation of localities, and the Canadian Pacific Railway is the only enterprise that could, as a railway enterprise, benefit the whole Dominion, and possibly also the the transatlantic steamers ; but as applied to railways in the interior of the country it is impossible to make that distinction that we shall not help a railway unless it benefits the whole Dominion.

Hon. Mr. DEVER—I think the Intercolonial Railway benefits the whole Dominion.

Hon. Sir JOHN CALDWELL ABBOTT—The whole of what constituted the Province of Canada at that time. I do not know the merits of the Souris breakwater that my hon. friend refers to. I know that there were several votes of that description that were all gone through carefully, and it was impossible to grant them all. Indeed, we might have voted the whole revenue of the Dominion in grants of that kind, and it was absolutely necessary that they should be scrutinized carefully in order to select those that were most urgent and necessary. I presume that if my hon. friend's breakwater has not received assistance, it is because it was felt there were others that had stronger claims. If it is only a matter of repairs, there is a sum voted to the department for general repairs, and if the repairs the hon. gentleman refers to are so exacting and necessary as he points out, it could be brought to the notice of the Minister of Public Works, who could apply a small portion of this vote to keep the breakwater in repair.

The motion was agreed to, and the Bill was read the third time and passed.

THE SUPPLY BILL.

Hon. Sir JOHN CALDWELL ABBOTT moved the third reading of Bill (100) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1893, and for other purposes relating to the public service."

The motion was agreed to, and the Bill was read the third time and passed.

IN CONCLUSION.

Hon. Sir JOHN CALDWELL ABBOTT—I congratulate the House on the work we have succeeded in getting through this session. Although our labours have not been so severe as might have been expected, excepting during the last week or ten days, I hope every hon. gentleman agrees with me that we did right in applying ourselves to the important work before us, and that we did fairly good work in amending it. I must express my indebtedness to members on both sides of the House for their fairness and moderation in all the debates which have taken place, and for the constant and absolute attention which they have given to every measure brought before us, as, I think, entirely without regard to party feeling, and it is very much to the credit of the House that I am able to say so. I move that the House do now adjourn.

The Senate adjourned at 1.15 p.m.

THE PROROGATION.

This day at 3 o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz.:—

An Act respecting the Cobourg, Northumberland and Pacific Railway Company.

An Act respecting certain railway works in the city of Toronto.

An Act to incorporate the Victoria Life Insurance Company.

An Act respecting the Bell Telephone Company of Canada.

An Act to incorporate the Canso and Louisbourg Railway Company.

An Act respecting the Ontario Pacific Railway Company.

An Act respecting the Pontiac Pacific Junction Railway Company.

An Act to confirm an agreement between the Tobique Valley Railway Company and the Canadian Pacific Railway Company.

An Act for the relief of James Albert Manning Aikins.

An Act for the relief of Herbert Rimmington Mead.

An Act for the relief of Ada Donigan.

An Act respecting the Great Northern Railway Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of Carl Auer Von Welsbach and others.

An Act respecting the Manitoba and North-Western Railway Company of Canada.

An Act respecting the Alberta Railway and Coal Company.

An Act to incorporate the High River and Sheep Creek Irrigation and Water Power Company.

An Act respecting the Canada Atlantic Railway Company.

An Act to incorporate the Winnipeg and Atlantic Railway Company.

An Act respecting the London and Port Stanley Railway Company.

An Act to incorporate the Buckingham and Lièvre River Railway Company.

An Act to revive and amend the Act to incorporate the Brockville and New York Bridge Company.

An Act to incorporate the Dominion Millers' Association.

An Act to amend an Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company.

An Act respecting the Montreal and Western Railway Company.

An Act respecting the Chignecto Marine Transport Railway Company (Limited.)

An Act for the relief of Hattie Adele Harrison.

An Act for the relief of James Wright.

An Act respecting the Ottawa City Passenger Railway Company.

An Act respecting the Montreal and Lake Maskinonge Railway Company.

An Act to revive and amend the Acts respecting the Ottawa, Waddington and New York Railway and Bridge Company.

An Act further to amend the Inland Revenue Act.

An Act respecting the Midland Railway of Canada.

An Act further to amend the Patent Act.

An Act to make further provision respecting grants of land to members of the Militia Force on active service in the North-West.

An Act to incorporate the Ottawa Valley Railway Company.

An Act respecting the Voters' Lists of 1891.

An Act further to amend the General Inspection Act.

An Act further to amend "The Winding-up Act."

An Act to incorporate the Burrard Inlet Tunnel and Bridge Company.

An Act further to amend the Dominion Lands Act.

An Act to readjust the representation in the House of Commons.

An Act respecting the Harbour Commissioners of Three Rivers.

An Act further to amend the Railway Act.

An Act to amend the Acts respecting the Civil Service.

An Act further to amend the Chinese Immigration Act.

An Act to amend the Act respecting the Senate and House of Commons.

An Act further to amend the Acts respecting the duties of Customs.

An Act respecting the bounty on Beet-root Sugar.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

An Act respecting the Criminal Law.

An Act to amend the Act relating to the Harbour of St. John, in the Province of New Brunswick.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :—

"The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

"In the name of the Commons, I present to Your Excellency the following Bill :

'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June

1893, and for other purposes relating to the public service.'

to which Bill I humbly request Your Excellency's assent."

To this Bill the Royal Assent was signified in the following words :—

"In Her Majesty's name, His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence, and assents to this Bill."

After which His Excellency the Governor General was pleased to close the Second Session of the Seventh Parliament of the Dominion with the following

SPEECH :

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons :

In relieving you from further attendance in Parliament I congratulate you on the useful legislation which has resulted from your deliberations during this long and arduous session.

The adoption of the Code of Criminal Law will confer a great benefit on all classes who are concerned in the administration of that branch of jurisprudence and is an achievement which will reflect credit on the Parliament of Canada.

The difficult task of readjusting the representation of the people in the House of Commons, in accordance with the Census returns, has been accomplished with comparatively little disturbance of existing electoral divisions, and in a manner that I hope will prove to be satisfactory in its operation.

The legislation relating to the North-West Territories, Dominion Lands, Railways, Patents, and to the Inspection of Provisions, and the various other measures which have been completed, are calculated to benefit the industrial and commercial interests of the country, and to promote its general welfare.

You have been doubtless gratified by the announcement that the Government of Newfoundland is likely to hold a friendly conference with my Government upon the differences which had arisen between Canada and that Colony, and that in the meantime all causes of further dispute, or irritation, have been removed.

A representation has been made by the Administration of the United States that the schedule of tolls, which has been in force upon the Canadian canals for some years past, operates to the disadvantage of the shipping and products of United States citizens on the Great Lakes. This complaint has been examined and discussed with the authorities of the United States, and a proposal has been submitted on behalf of my Government, that the United States will restore the concessions that were made on the part of that country by the Treaty of Washington, as an equivalent for concessions on the part of Canada as to the canals, but which were withdrawn by the United States without cause, so far as Canada is concerned. This proposal has not yet been replied to, but it is hoped that the fairness of the position taken by my Government will be duly appreciated by the Government of the United States, so that all further misunderstanding on this question may be avoided.

Gentlemen of the House of Commons :

I trust that the provisions which you have made for the public service will be found ample for its demands.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

At the close of this session I take leave of you, with the hope that the sacrifices which you have been called on to make by so protracted an attendance may be rewarded by proof that your labours have been fruitful of benefits to the Dominion, and that our people in every part of Canada may likewise be blessed with prosperity in the harvest season which approaches.

The Speaker of the Senate then said :

Honourable Gentlemen of the Senate, and Gentlemen of the House of Commons :

It is His Excellency the Governor General's will and pleasure, that this Parliament be prorogued until Thursday, the eighteenth day of August next, to be here held, and this Parliament is accordingly prorogued until Thursday, the eighteenth day of August next.

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TO

DEBATES OF THE SENATE

OF THE

DOMINION OF CANADA

1892.

PART I. constitutes an index to the names of Senators, with their action upon the respective subjects.

PART II. constitutes an analytical index to all subjects debated.

The following abbreviations are used: Amt., amendment; Amd., amended; B., Bill; Cl., Clause; Co., Company; Com., Committee; Com of the W., Committee of the Whole House; Corresp., Correspondence; Govt., Government; His Ex., His Excellency; H. of Commons, House of Commons; Incorp., Incorporation; Inqy., Inquiry; Inquies., Inquiries; M., Motion; *m.*, moved; Rep., Report; Ry., Railway; W., Whole House.

On a Division: C., Content; N.-C., Non-Content.

1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings.

*, Without comment or debate.

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Assent, 522.
(55-56 *Vict., cap.* 78.)

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Assent, 522.
(55-56 *Vict., cap.* 79.)

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(55-56 *Vict., cap.* 82).

(G) An Act for the relief of Hattie Adèle Harrison.—(*Mr. Sanford.*)
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Assent, 522.
(55-56 *Vict., cap.* 80.)

(H) An Act to incorporate the Buckingham and Lièvre River Railway Company.—(*Mr. Clemow.*)
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Assent, 522.

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Assent, 522.

(55-56 *Vict., cap.* 24.)

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Assent, 522.

(55-56 *Vict., cap.* 23.)

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Assent, 522.

(55-56 *Vict., cap.* 6.)

(5) An Act further to amend Chapter ninety-six of the Revised Statutes, intituled: "An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels."—(*Mr. Abbott.*)

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Assent, 153.

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(6) An Act to amend "The Canada Temperance Amendment Act, 1888."—(*Mr. Vidal.*)

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Assent, 153.

(55-56 *Vict., Cap.* 26.)

(7) An Act respecting the Criminal Law.—(*Sir John Caldwell Abbott.*)

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(8) An Act respecting aid by United States Wreckers in Canadian waters. — *(Mr. Abbott.)*
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(55-56 *Vict.*, *cap.* 4.)

(10) An Act to amend "The Pilotage Act."—*(Mr. Abbott.)*
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(11) An Act respecting Fishing Vessels of the United States.—*(Mr. Abbott.)*
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(12) An Act respecting the Department of Marine and Fisheries.—*(Mr. Abbott.)*
1st R.*, 55.
2nd R. *m.* (Mr. Abbott), 67 ; debate : Messrs. Power, Abbott, Kaulbach, 67—Messrs. Power, Kaulbach, Scott, Abbott, 68.
In Com. of the W., and reported (Mr. Lougheed) without Amt., 73.
Postponement of 3rd R. requested (Mr. Power), *m.* (Mr. Abbott) and agreed to, 73.
3rd R. *m.* (Mr. Abbott), 98. Amt. *m.* (Mr. Power) to strike out 4th cl. (transfer of powers to another Minister), 98 ; debate : Messrs. Kaulbach, Abbott, 99—Messrs. Kaulbach, Abbott, Power, Masson, 100—Messrs. Abbott, Power, Kaulbach, 101 ; Amt. lost on a division, and B. 3rd R., 101.
Assent, 153.
(55-56 *Vict.*, *cap.* 17.)

(13) An Act further to amend the Steamboat Inspection Act.—*(Mr. Abbott.)*
1st R.*, 178.
2nd R. *m.* (Mr. Abbott) ; remark : Mr. Kaulbach ; reply : Mr. Abbott, 186 ; M. agreed to, 186.
3rd R.*, 199.
Assent, 212.
(55-56 *Vict.*, *cap.* 19.)

(14) An Act respecting the Grand Trunk Railway Company of Canada.—*(Mr. Vidal.)*
1st R.*, 122.
2nd R. *m.* (Mr. Vidal), 124 ; remarks : Messrs. Power, Kaulbach, Vidal, 125 ; M. agreed to, 125.
3rd R.*, 171.
Assent, 212.
(55-56 *Vict.*, *cap.* 39.)

(15) An Act to amend the Act to incorporate the McKay Milling Company.—*(Mr. Clemow.)*
1st R.*, 126.
2nd R. *m.* (Mr. Clemow) and agreed to, 127.
Reported from Banking and Commerce Com.*, 135.
3rd R.*, 135.
Assent, 153.
55-56 *Vict.*, *cap.* 73.

(16) An Act respecting the Ottawa City Passenger Railway Company.—*(Mr. Clemow.)*
1st R.*, 256.
2nd R. *m.* (Mr. Clemow) and agreed to, 283.
Reported (Mr. Dickey) from Ry. Com., with Amt. (acquisition of property and franchises, subject to obligations), 308 ; remarks on the Amt., and as to procedure thereon : Messrs. Miller, Power, Clemow ; (concurrence *m.*), Mr. Dickey, the Speaker, 309 ; M. agreed to and Amt. concurred in, 309.
3rd R. *m.* (Mr. Clemow), 311. Ques. (Mr. Power) as to distribution as amd. ; reply (Mr. Miller) not required by Rules, 311. Amt. *m.* (Mr. Dickey) to add cl., obligations arising from agreements with municipalities, 311 ; remarks as to procedure : Messrs. Scott, Clemow, Power, 311—Messrs. Miller, Scott, Power, Dickey, Kaulbach, 312. M. (Mr. Dickey) to rescind concurrence in yesterday's Amt., and to amd. the B. (as above), 312 ; Amt. concurred in, and B. 3rd R., 312.
Assent, 522.
(55-56 *Vict.*, *cap.* 53.)

(17) An Act to incorporate W. C. Edwards and Company.—*(Mr. Clemow.)*
1st R.*, 126.
2nd R. *m.* (Mr. Clemow), 126 ; remarks as to title of B. : Mr. Abbott, 127 ; as to extensive powers conferred : Messrs. Kaulbach, Howlan, 127 ; M. agreed to, 127.

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Reported from Banking and Commerce Com*., 135.
3rd R.*, 135.
Assent, 212.
(55-56 *Vict., cap.* 72.)

(18) An Act respecting certain railway works in the City of Toronto.—*(Mr. Allan.)*
1st R.*, 181.
2nd R. *m.* (Mr. Allan) and agreed to, 189.
3rd R.*, 199.
Assent, 522.
(55-56 *Vict., cap.* 61.)

(19) An Act respecting the Boiler Inspection and Insurance Company of Canada. — *(Mr. Lougheed.)*
1st R.*, 170.
2nd R. *m.* (Mr. Lougheed), 176 ; remarks : Messrs. Kaulbach, Lougheed, 176—Mr. Scott, 177 ; M. agreed to, 177.
3rd R. (*m.* by Mr. Allan)*, 181.
Assent, 212.
(55-56 *Vict., cap.* 68.)

(22) An Act respecting the London and Port Stanley Railway Company.—*(Mr. McKindsey.)*
1st R.*, 200.
2nd R. (*m.* by Mr. Lougheed)*, 213.
Reported (Mr. Dickey) from Ry. Com., with Amt. (extending voting powers of city representatives to special meetings), 232 ; concurrence *m.* (Mr. Lougheed) and agreed to, 232.
3rd R.*, 232.
Assent, 522.
(55-56 *Vict., cap.* 43.)

(23) An Act to incorporate the High River and Sheep Creek Irrigation and Water-power Company.—*(Mr. Lougheed.)*
1st R.*, 200.
2nd R. *m.* (Mr. Lougheed) and agreed to, 206.
Reported (Mr. Dickey) from Com. on Rys., &c., with Amts. (restoring B. to the limited powers for irrigation works asked for originally by petition and notice), 231 ; Amts. concurred in, 232.
3rd R. *m.* (Mr. Lougheed) and agreed to*, 232.
Assent, 522.
(55-56 *Vict., cap.* 66.)

(24) An Act respecting the Nicola Valley Railway Company.—*(Mr. Reid, B.C.)*
1st R.*, 122.
2nd R.*, 123.
3rd R.*, 135.
Assent, 153.
(55-56 *Vict., cap.* 50.)

(25) An Act respecting the Montreal Board of Trade.—*(Mr. Ogilvie.)*
1st R.*, 170.
2nd R. *m.* (by Mr. Lougheed) and agreed to, 177.
3rd R.*, 181.
Assent, 212.
(55-56 *Vict., cap.* 70.)

(28) An Act respecting the Belleville and Lake Nipissing Railway Company.—*(Mr. Read, Quinté.)*
1st R.*, 122.
2nd R. *m.* (Mr. Read) and agreed to, 123.
Reported from Ry. Com.*, 135.
3rd R.*, 135.
Assent, 153.
(55-56 *Vict., cap.* 31.)

(29) An Act respecting the Nipissing and James" Bay Railway Company.—*(Mr Lougheed.)*
1st R.*, 122.
2nd R. *m.* (Mr. Lougheed), 125 ; remarks : Messrs. Power, Kaulbach, 125 ; M. agreed to, 125. Further enquies. : Mr. Power, 125 ; remarks in reply : Messrs. Kaulbach, Lougheed, 126 ; B. referred to Com., 126.
3rd R.*, 187.
Assent, 212.
(55-56 *Vict., cap.* 51.)

(30) An Act respecting the Nova Scotia Steel and Forge Company (Limited.)—*(Mr. Dickey.)*
1st R.*, 170.
2nd R. *m.* (Mr. Dickey), 177 ; remarks as to preference shares : Mr. Kaulbach, 177 ; M. agreed to, 177.
3rd R.*, 181.
Assent, 212.
(55-56 *Vict., cap.* 74.)

(31) An Act respecting the Globe Printing Company.—*(Mr. Scott.)*
1st R.*, 157.
2nd R.*, 168.
3rd R.*, 181.
Assent, 212.
(55-56 *Vict., cap.* 75.)

(32) An Act to incorporate the Woman's Baptist Missionary Union of the Maritime Provinces. —*(Mr. McKay.)*
1st R.*, 157.
2nd R.*, 168.
3rd R.*, 181.
Assent, 212.
(55-56 *Vict., cap.* 76.)

(33) An Act respecting the Wood Mountain and Qu'Appelle Railway Company.—*(Mr. Sanford.)*
1st R.*, 178.
2nd R.*, 181.
3rd R. (*m.* by Mr. Girard)*, 187.
Assent, 212.
(55-56 *Vict., cap.* 63.)

(34) An Act respecting the Canada Southern Railway Company.—*(Mr. McCallum.)*
1st R.*, 157.
2nd R. *m.* (Mr. McCallum) ; ques. : Mr. Power ; explanation : Mr. McCallum ; M. agreed to, 168.
3rd R.*; 171.
Assent, 212.
(55-56 *Vict., cap.* 34.)

(35) An Act respecting the Manitoba and South-Eastern Railway Company.—*(Mr. Girard).*
1st R.*, 122.
2nd R. *m.* (Mr. Girard), and agreed to, 123.
3rd R.*, 135.
Assent, 153.
(55-56 *Vict., cap.* 46.)

(36) An Act to amend the Act to incorporate the School Savings Bank.—*(Mr. Power.)*
1st R.*, 485.
Report of Standing Orders and Private B. Com. (recommending that B. be placed on the Orders for 2nd R.) presented, and adoption *m.* (Mr. Girard), 490. Amt. *m.* (Mr. Murphy), 6 months' "hoist" ; ques.

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of Order (Mr. Kaulbach), and delays in procedure explained (Mr. Power), 491; Report adopted, 491.

M. for 2nd R. at next sitting (Mr. Girard), 491; agreed to, 492.

2nd R. *m.* (Mr. Girard), 493; Amt. *m.* (Mr. Murphy, 3 months' "hoist," 493; ques. (Mr. McMillan), date of charter and business done; replies (Mr. Murphy), 494; suggestion (Mr. Power and Sir John Abbott) that B. be allowed to go to Banking Com., 494; Amt. *withdrawn*, and B. 2nd R., 494.

Reported (Mr. Allan) from Banking Com., preamble not proved, 518.

(37) An Act respecting the Lake Manitoba Railway and Canal Company.—*(Mr. Girard.)*

1st R. (*m.* by Mr. Dickey)*, 178.

2nd R. *m.* (Mr. Girard), 180; ques. and remarks as to land grants: Messrs. Power, Girard, Kaulbach, Boulton, 180; M. agreed to, 180.

3rd R.*, 187.

Assent, 212.

(55-56 *Vict, cap.* 41.)

(38) An Act respecting the Canadian Pacific Railway Company.—*(Mr. Scott.)*

1st R.*, 157.

2nd R. *m.* (Mr. Scott), 169; remarks: Messrs. Power, Scott, 170; M. agreed to, 170.

Reported (Mr. Dickey) from Ry. Com., without Amt.*, 171.

3rd R., postponement asked (Mr. Power), 171; reply (Mr. Scott), 171. Further remarks, *re* increase of capital stock: Mr. Power, 171—Messrs. Ogilvie, Power, Scott, 172; M. agreed to and B. 3rd R., 172.

Assent, 212.

(55-56 *Vict., cap.* 35.)

(39) An Act respecting the Alberta Railway and Coal Company.—*(Mr. Girard.)*

1st R*, 207.

2nd R *m.* (Mr. Girard) and agreed to, 225.

Reported (Mr. Dickey) from Ry. Com., with Amts. (limiting area for irrigation works), 241; report agreed to and Amts. concurred in, 240.

3rd R. (*m.* by Mr. Ogilvie)*, 240.

Assent, 522.

(55-56 *Vict., cap.* 30.)

(40) An Act respecting the St. Catharines and Niagara Central Railway Company.—*(Mr. McCallum.)*

1st R.*, 157.

2nd R. *m.* (Mr. McCallum), 169; remarks: Messrs. Power, McCallum, Kaulbach, Vidal, 169; M. agreed to, 169.

3rd R.*, 171.

Assent, 212.

(55-56 *Vict., cap.* 58.)

(41) An Act respecting the Bell Telephone Company of Canada.—*(Mr. Scott.)*

1st R.*, 170.

2nd R. *m.* (Mr. Scott) and agreed to, 177.

Reported (Mr. Dickey) from Com. on Telegraphs, &c., without Amt.*, 187.

3rd R. *m.* (Mr. Scott), 187. Postponement requested, and Notice of Amt. (Mr. Boulton) fixing stock at $3,000,000, 187. Remarks: Messrs. Scott, Dickey, 187—Messrs. Ogilvie, Scott, 188; on Ques. of Order as to necessity of Notice of Amt., and further as to merits of the B., Messrs. Power, Miller, Scott, Boulton, Kaulbach, 188—Messrs. Scott, Miller, Boulton, 189; B. ordered for 3rd R. to-morrow, 189.

3rd R. again *m.* (Mr. Scott), 190; Amt., as above, *m.* (Mr. Boulton), 191; debate: Messrs. Scott, Boulton, 192—Messrs. Scott, Boulton, Ogilvie, 193—Messrs. Ogilvie, Clemow, Scott, 194—Messrs. Scott, Clemow, 195—Messrs. Power, Clemow, 196—Messrs. Scott, Clemow, Boulton, 197. M. (Mr. Lougheed) to refer back to Com., 198; remarks: Messrs. MacInnes (Burlington), Scott, Dickey, Power, Allan, Abbott, M. seconded (Mr. McMillan), 198. Amt. (Mr. Boulton) withdrawn, 198; remark (the Speaker) that it had not been put, 198. Further remarks on procedure: Messrs. Scott, Miller, Vidal, Kaulbach, Power, 199; M. for reference back to Com. agreed to, 199.

Reported (Mr. Dickey) from Com., with Amts., limitation of borrowing power, proviso as to increasing the rates charged, 206. Concurrence *m.* (Mr. Scott), 206; remarks as to further postponement: Messrs. Clemow, Scott, 207; M. agreed to, 207.

3rd R. as amended*, 207.

Assent, 522.

(55-56 *Vict., cap.* 67.)

(42) An Act to revive and amend the Act to incorporate the Brockville and New York Bridge Company.—*(Mr. Clemow.)*

1st R.*, 240.

2nd R.*, 248.

3rd R.*, 308.

Assent, 522.

(55-56 *Vict., cap.* 64.)

(44) An Act further to amend the Chinese Immigration Act.—*(Sir John Caldwell Abbott.)*

1st R.*, 496.

Suspension of 41st Rule *m.* (Sir John Abbott) with explanation of B., 496; agreed to, 496.

2nd R. *m.* (Sir John Abbott), 497; debate: Messrs. McInnes (B.C.), Power, Kaulbach, McCallum, Sir John Abbott, 497—Mr. McCallum, 498; M. agreed to, 498.

Reference to Com. of the W. *m.* (Sir John Abbott), 498; remarks: Mr. McCallum, Sir John Abbott, and M. agreed to, 498.

Reported (Mr. Vidal) from Com., without Amt., and

3rd R.*, 498.

Assent, 522.

(55-56 *Vict., cap.* 25.)

(45) An Act to revive and amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company.—*(Mr. Clemow.)*

1st R.*, 157.

2nd R. *m.* (Mr. Clemow) 169; remarks: Messrs. Power, Kaulbach; explanation: Mr. Clemow; M. agreed to, 169.

3rd R.*, 171.

Assent, 212.

(55-56 *Vict., cap.* 42.)

BILLS—Seriatim—*Continued.*

(47) An Act to incorporate the Victoria Life Insurance Company.—*(Mr. Scott.)*
1st R.*, 170.
2nd R.*, 199.
3rd R.*, 213.
Assent, 522.
(55-56 *Vict.*, *cap.* 69.)

(49) An Act respecting the Cobourg, Northumberland and Pacific Railway Company.—*(Mr. Sanford,* in absence of *Mr. Read,* Quinté.)
1st R.*, 172.
2nd R. (*m.* by Mr. Sanford)*, 181.
3rd R. (*m.* by Mr. Dickey)*, 199.
Assent, 522.
(55-56 *Vict.*, *cap.* 38.)

(50) An Act respecting the Ontario Pacific Railway Company.—*(Mr. McInnes,* Burlington.)
1st R.*, 200.
2nd R. (*m.* by Mr. Vidal)*, 213.
3rd R. (*m.* by Mr. Power)*, 231.
Assent, 522.
(55-56 *Vict.*, *cap.* 52.)

(51) An Act to incorporate the Canso and Louisbourg Railway Company.—*(Mr. Miller.)*
1st R., and 2nd R., Wednesday next, *m.* (Mr. Miller) pending Report of Standing Orders Com., and agreed to, 181.
2nd R. *m.* (Mr. Miller) and agreed to, 189.
3rd R.*, 199.
Assent, 522.
(55-56 *Vict.*, *cap.* 36.)

(53) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.—*(Mr. Scott.)*
1st R.*, 172.
2nd R. *m.* (Mr. Scott), 180; ques.: Mr. Power, as to main line completion; reply: Mr. Scott; M. agreed to, 180.
3rd R.*, 187.
Assent, 212.
(55-56 *Vict.*, *cap.* 57.)

(56) An Act to confirm an agreement between the Tobique Valley Railway Company and the Canadian Pacific Railway Company.—*(Mr. Boyd.)*
1st R.*, 205.
2nd R.*, 213.
3rd R.*, 231.
Assent, 522.
(55-56 *Vict.*, *cap.* 60.)

(57) An Act respecting the St. John and Maine Railway Company and the New Brunswick Railway Company.—*(Mr. Boyd.)*
1st R.*, 172.
2nd R. *m.* (Mr. Boyd) and agreed to, 180.
3rd R.*, 187.
Assent, 212.
(55-56 *Vict.*, *cap.* 59.)

(58) An Act to authorize the conveyance to the Corporation of the City of Toronto of certain Ordnance Lands in that City.—(*Mr. Abbott.*)
1st R.*, 170.
2nd R. *m.* (Mr. Abbott), 177; remarks, respecting old fort at Annapolis, N.S.: Mr. Almon; reply, Mr. Abbott; M. agreed to, 177.
In Com. of the W., 179; reported (Mr. Boyd) without Amt., 180.
3rd R.*, 180.
Assent, 212.
(55-56 *Vict.*, *cap.* 7.)

(59) An Act to incorporate the Ottawa Valley Railway Company.—*(Mr. Ogilvie.)*
1st R. (*m.* by Mr. McMillan)*, 376.
2nd R. *m.* (Mr. Ogilvie), 378; remarks: Mr. Power, 378; M. agreed to, 378.
3rd R.*, 379.
Assent, 522.
(55-56 *Vict.*, *cap.* 54.)

(60) An Act respecting the Great Northern Railway Company.—*(Mr. Read,* Quinté.)
1st R.*, 240.
2nd R. *m.* (Mr. Read, Quinté) and agreed to, 241.
3rd R.*, 246.
Assent, 522.
(55-56 *Vict.*, *cap.* 40.)

(62) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1892, and for other purposes relating to the public service. —*(Mr. Abbott.)*
1st R.*, 134.
2nd R. *m.* (Mr. Abbott), 137; remarks, respecting reinstatements in Dept. of Interior: Mr. Power, 137—Messrs. Abbott, Power, 138—Messrs. Poirier, Abbott, 140—Messrs. Kaulbach, Abbott, Power, 141; M. agreed to, 141.
Suspension of Rule, and
3rd R. *m.* (Mr. Abbott) and agreed to*, 141.
Assent, 153.
(55-56 *Vict.*, *cap.* 1.)

(63) An Act respecting the Pontiac Pacific Junction Railway Company.—*(Mr. Ogilvie.)*
1st R.*, 200.
2nd R.*, 213.
3rd R. (*m.* by Mr. Dickey)*, 231.
Assent, 522.
(55-56 *Vict.*, *cap.* 56.)

(64) An Act respecting the Canada Atlantic Railway Company—*(Mr. Clemow.)*
1st R.*, 207.
2nd R. *m.* (Mr. Clemow), and agreed to, 225.
Reported (Mr. Dickey) from Ry. Com., with Amt. (extending telegraph privileges to 15 miles from track), 232; Amt. agreed to, 232.
3rd R. *m.* (Mr. Clemow), 232; remarks, as to expediency of limiting tolls chargeable, and as to restrictive cl. in Bell Telephone Co.'s B. (41): Messrs. Power, Clemow, Dickey, Scott, 232; M. agreed to, 232.
Assent, 522.
(55-56 *Vict.*, *cap.* 33.)

(65) An Act to incorporate the Burrard Inlet Tunnel and Bridge Company.—*(Mr. Macdonald,* B.C.)
1st R.*, 284.
2nd R. *m.* (Mr. Macdonald, B.C.), 310; remarks: Messrs. Power, Macdonald, Kaulbach, 310; M. agreed to, 310.
Reported (Mr. Dickey) from Ry. Com., with Amt. as to height of bridge and width of swing, 350; future consideration *m.* (Mr. Macdonald, B.C.), and agreed to, 350.
On Order for consideration of Report; M. (Mr. Macdonald, B.C.) to refer back to Com. for Amt. (100 ft. swing), 358; Amt.

BILLS—Seriatim—*Continued.*

m. (Mr. McInnes, B.C.), concurrence in report, 358; debate: Messrs. Ogilvie, McInnes (B.C.), 359—Messrs. Scott, McInnes (B.C.), Read (Quinté), Power, 360—Messrs. Ogilvie, McInnes, Clemow, Power, 361—Messrs. Kaulbach, McCallum, 362—Messrs. Boulton, McCallum, Scott, 363—Messrs. Boulton, Scott, McMillan, 364—Messrs. Kaulbach, McMillan, McInnes (B.C.), Allan, 365—Messrs. Vidal, Allan, McInnes (B.C.), 366—Messrs. Vidal, Lougheed, Kaulbach, 367—Messrs. Lougheed, Miller, Macdonald (B.C.), Power, 368. Amt. *m.* (Mr. Vidal) to refer back without instructions, 368; remarks on procedure, and on merits of the ques.: Mr. Power, 368—Mr. Miller, 369. Amt. (Mr. Macdonald, B.C.) modified, referring back for further consideration, 369; further remarks, on the merits, and on the procedure: Mr. Clemow, 369—Messrs. McKay, Clemow, McInnes, Sir John Abbott, 370—Mr. Power, Sir John Abbott, Messrs. Miller, Allan, McCallum, Poirier, 371. Decision (the Speaker): the Amt. of Mr. McInnes is unnecessary, 371; it is withdrawn, 372. Amt. (Mr. Macdonald), to re-commit the B. for further consideration, carried (C. 29, N.-C. 20), 372.

Reported (Mr. Vidal) from Ry. Com., without Amt., 375; 3rd R. on 28th June *m.* (Mr. Macdonald, B.C.), 375; remarks on procedure: Messrs. Power, Macdonald, Miller, Scott, McCallum, Kaulbach, Sir John Abbott, 375; M. agreed to, 375.

3rd R. *m.* (Mr. Macdonald, B.C.), 376; Amt. *m.* (Mr. McInnes, B.C.) to add. cl. requiring height or draw of 150 ft., 376; carried (C. 26, N.-C. 13), and B. passed as amd., 376.

Explanation (Mr. Sutherland) of having paired, 376.

Assent, 522.

(55-56 *Vict.*, *cap.* 65.)

(67) An Act respecting the Voters' Lists of 1891.—*(Sir John Caldwell Abbott.)*

1st R.*, 383.

2nd R. *m.* (Sir John Abbott), 400; remarks on this B. and on the Franchise Act: Mr. Power, Sir John Abbott, 400; M. agreed to, 401.

3rd R.*, 452.

Assent, 522.

(55-56 *Vict.*, *cap.* 12.)

(68) An Act to revive and amend the Acts respecting the Ottawa, Waddington and New York Railway and Bridge Company.—*(Mr. Vidal.)*

1st R.*, 331.

2nd R. *m.* (Mr. Vidal), 346; remarks: Messrs. Almon, Kaulbach, Vidal, 347; M. agreed to, 347.

3rd R.*, 350.

Assent, 522.

(55-56 *Vict.*, *cap.* 55.)

(70) An Act to incorporate The Dominion Millers' Association.—*(Mr. Read,* Quinté.*)*

1st R.*, 256.

2nd R. *m.* (Mr. Read, Quinté) and agreed to, 282.

3rd R. (*m.* by Mr. Sullivan)*, 310.

Assent, 522.

(55-56 *Vict.*, *cap.* 71.)

(71) An Act further to amend the Inland Revenue Act.—*(Mr. Abbott.)*

1st R.*, 200.

2nd R. *m.* (Mr. Abbott) and agreed to, 213.

In Com. of the W.; on cl. 2, sub-sect. 2 (labelling bottles), debate: Messrs. Dickey, Power, 225—Messrs. Kaulbach, Power, Abbott, 226—Messrs. O'Donohoe, Abbott, Lougheed, Power, 227—Messrs. Power, Lougheed, O'Donohoe, Abbott, Ross, Dever, 228—Messrs. Snowball, Power, Dickey, Abbott, 229—Messrs. Power, Abbott, Dickey, Allan, Snowball, Clemow, 230; request that the cl. may stand (Mr. Power), 230; remarks: Messrs. Abbott, Power, 231; cl. allowed to stand, 231.

On cl. 3 (cigars, sale from factory in small quantities prohibited); Amt. *m.* (Mr. Abbott) to add sub-sect. 3 (1 year's exemption in certain cases), 231; Amt. agreed to, 231.

Progress reported (Mr. Vidal), 231.

Again in Com., 282; remark (Sir John Abbott) upon striking out sub-sect. 2 of sect. 2, and further changes, 282.

Reported (Mr. Vidal) from Com. with Amts., and same concurred in*, 282.

3rd R. *m.* (Sir John Abbott), 299; remarks on the expunged cls., and on liquor bottling and adulteration: Messr. Dickey, Kaulbach, Macdonald, Power, Dever, 299—Sir John Abbott, Mr. Dever, 300; M. agreed to, 300.

(Assent, 522.

55-56 *Vict.*, *cap.* 22.)

(72) An Act to incorporate the Winnipeg and Atlantic Railway Company.—*(Mr. Lougheed,* in the absence of *Mr. Sanford.)*

Petition presented (Mr. Sanford), 179; objection taken, that Standing Orders Com. must report thereon: Messrs. Power, Miller, Scott, 179.

1st R.*, 240.

2nd R. *m.* (Mr. Lougheed), 241; remarks: Mr. Power, 241; reply: Mr. Lougheed, 241; M. agreed to, 241.

3rd R. *m.* (Mr. Sanford, in absence of Mr. Lougheed), 257. Amt. *m.* (Mr. Power) to strike out 9th cl., allowing amalgamation with C. P. R. or other Ry., 257; debate: Messrs. Almon, Sanford, Kaulbach, 258—Messrs. Macdonald (B. C.), Kaulbach, O'Donohoe, Boulton, Dever, 259—Mr. Girard, 260. Amt. rejected (C. 14, N.-C. 31), 260.

Assent, 522.

(55-56 *Vict.*, *cap.* 62.)

(74) An Act to amend the Acts respecting the Civil Service.—*(Sir John Caldwell Abbott.)*

1st R.*, 485.

2nd R. *m.* (Sir John Abbott) and agreed to, 489.

In Com. of the W.; suggestion (Mr. Lougheed) to extend 3rd cl. to employees in N. W. T.; remarks, new Civil Service B. next session: Sir John Abbott, Messrs.

BILLS—Seriatim—*Continued.*

Lougheed, Power, 493. Ques. of regulations by head of Dept. or by Govt. (Mr. Power), 493; reply (Sir John Abbott), 493.

Reported (Mr. Ogilvie) without Amt., 493.

3rd R.*, 493.

Assent, 522.

(55-56 *Vict., cap.* 14.)

(75) An Act to confer on the Commissioner of Patents certain powers for the relief of Carl Auer Von Welsbach and others.—*(Mr. Dickey.)*

1st R.*, 240.

2nd R. *m.* (Mr. Dickey), 241; remarks: Messrs. Kaulbach, Dickey, Miller, 242—Messrs. Kaulbach, Miller, 243; M. agreed to, 243.

3rd R.*, 246.

Assent, 522.

(55-56 *Vict., cap.* 77.)

(76) An Act to readjust the Representation in the House of Commons.—*(Sir John Caldwell Abbott.)*

In debate on the Address; remarks: Mr. Macdonald (P.E.I.), 12—Mr. Scott, 15, 45—Mr. Abbott, 45.

Inqy. (Mr. Power) as to date of introduction, 126; reply (Mr. Abbott), 126.

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(80) An Act respecting the Manitoba and North-Western Railway Company of Canada.—*(Mr. Girard.)*
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(82) An Act respecting the Montreal and Western Railway Company.—*(Mr. Bellerose.)*
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(83) An Act respecting the Chignecto Marine Transport Railway Company, Limited.—*(Mr. Dickey.)*
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(84) An Act further to amend the Railway Act.—*(Sir John Caldwell Abbott.)*
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(55-56 *Vict.*, *cap.* 27.)

(87) An Act respecting the Montreal and Lake Maskinongé Railway Company.—*(Mr. Bellerose.)*
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(55-56 *Vict.*, *cap.* 48.)

(89) An Act further to amend the Dominion Lands Act.—*(Sir John Caldwell Abbott.)*
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(93) An Act respecting the Midland Railway of Canada.—*(Mr. Vidal.)*
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(55-56 *Vict.*, *cap.* 47.)

(98) An Act respecting the Harbour Commissioners of Three Rivers.—*(Sir John Caldwell Abbott.)*
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(55-56 *Vict.*, *cap.* 10.)

(99) An Act to amend the Act relating to the Harbour of St. John, in the Province of New Brunswick.—*(Sir John Caldwell Abbott.)*
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(102) An Act respecting the bounty on Beet-root Sugar.—*(Sir John Caldwell Abbott.)*
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(55-56 *Vict.*, *cap.* 8.)

(103) An Act further to amend the Acts respecting the Duties of Customs.—*(Sir John Caldwell Abbott.)*
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(104) An Act to amend the Act respecting the Senate and House of Commons.—*(Sir John Caldwell Abbott.)*
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Bill, Amt. of Com. Report, on 3rd R. After discussion upon proper mode of correcting an Amt. made in Ry. Com. under a misconception (Ottawa City Passenger Ry. B.), an Amt. to 3rd R. was adopted, rescinding the Amt. of B. as previously adopted, and inserting another, 311-12.

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Bill, Amt., substantive, in Com. of W. On Temperance Act Amt. B. (6), M. Vidal objected to Mr. Dickey's Amt. (to add cl., giving voting privilege to incorporated towns) as striking at fundamental principle of B. ; held that notice should be given of such a motion on 3rd R., 133. Mr. Dickey maintained his right to *m.* the Amt. at this stage ; but offered to waive it, on understanding it should be *m.* at 3rd R., 133–4.

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Bill, Amt., substantive, on 3rd R. On Mr. Boulton's request for postponement of 3rd R. of Bell Telephone Co. B., for an Amt. (limiting stock to $3,000,000), objection taken by Mr. Scott and others, that notice is required ; discussed, but postponement ordered, 187–9.

The 3rd R. having been again *m.*, Mr. Boulton *m.* his Amt., but withdrew it in favour of an Amt. (Mr. Lougheed) to recommit the B. Mr. Scott again objected to the opposition offered the B. at this stage ; the procedure was discussed, precedents quoted, and the B. referred back to Com. (where it was subsequently amd.), 198–9.

On Mr. Almon's notice of Amt. to 3rd R. of Chignecto Marine Ry. Co. B. (preferential bonds not to take precedence of outstanding liabilities), Mr. Dickey objected that the Amt. practically negatived the B., 315 ; the ques. was discussed, also as to notice of Amt. to 3rd R. being required, 315–16, 318 to 331, when Mr. Mr. Almon's Amt. was put and rejected (C. 7, N.-C. 39), 331.

Bill, Amt. to Amt., unnecessary. On Order for consideration of Ry. Com. Report (Burrard Inlet Bridge Co.'s B.), and Amt. to refer back to Com. ; Sir John Abbott objected to a sub-Amt. (Mr. McInnes, B.C.) for concurrence in the Com. Report, as unnecessary, 370 ; discussed, and so ruled by the Speaker, 371 ; withdrawn, 372.

Bill, codification, discrepancies,—from the statutes from which drafted ; *see* the debate on "Criminal Law Act, 1892 ; B. (7)." Objection, also, that this B., as submitted to Senate, did not coincide with original B. of Commons.

Bill, constitutionality of. See the debate on "Commons representation readjustment B. (76)."

Bill, cl. on which Senate had legislated. Mr. Read pointed out, in Com. on Criminal Law B., that Senate had already passed and sent to Commons two Bills making provisions with reference to carrying weapons ; the cl. was allowed to stand, 485.

Bill, details discussed on 2nd R. Mr. Power objected to Mr. Murphy discussing the respective districts, on 2nd R. of Commons readjustment B. (76) ; Mr. Miller held that principle of the B. is involved in the districts ; and Mr. Murphy proceeded, 406. Mr. Power made a personal explanation hereon, 443.

Bill, giving precedence to new debentures. In debate on Mr. Almon's Amt. to Chignecto Marine Ry. Co.'s B., Sir John Abbott quoted several precedents for such legislation, 329, 330.

Bill, late in Session. See "Legislation" (below).

Bill, money, amending in Senate.—Sir John Abbott, on his Amt. to the St. John Harbour Loan B. (99), reserving part of loan to Govt. for wharf property acquisition, pointed out that Senate should not question its own power in amending a money B., if the other House does not object, 495 ; remarks, Mr. Power, 495.

(See also "Fees, fixing of," below).

Bill, not identical with Commons draft. Objections made by Mr. Scott, and M. for Message to Commons for original ; *see* the debate on "Criminal Law Act, 1892 ; B. (7)." Objection also, to discrepancies of cls. of same B., from Statutes from which drafted.

Bill, Notice, difference from. Buckingham & Lièvre Ry. Co.'s B. (H) was reported by Standing Ord. and Priv. B. Com., as differing from its notice, in containing a cl. for bridge over the Ottawa, &c. ; but it passed the Senate, 224. The Commons afterwards struck out the bridge cl. on this ground ; commented on, and Commons Amts. concurred in, 283-4.

Bill, Notice insufficient. (For Divorce Bills, *see* that heading).

On Mr. Dickey's M. for suspension of 31st Rule, on Chignecto Marine Ry. B. (83), and at subsequent stages, it was closely debated whether or not public notice of B. had been sufficient to apprise all English stockholders of the proposed action, 233-5, 318 to 331.

Bill, objection at wrong stage. On Mr. Murphy's "hoist" Amt. to adoption of Rep. of Stand. Ord. & Priv. B. Com., for placing School Savings Bank B. on Orders for 2nd R. ; Mr. Power pointed out that this Amt. should come up at 2nd R., 491. On its being *m.* at that stage, Mr. Power and Sir John Abbott suggested the B. should be allowed to pass 2nd R., and go to Banking Com. for consideration ; in which Mr. Murphy acquiesced, 494. The B. was then thrown out in Com. ; so reported, 518.

Bill, objection on M. for future 2nd R. Objection taken by Sir John Abbott, to debate at this stage on Criminal Law B., 385 ; right to oppose consideration of B. this session maintained by Mr. Scott, 386 ; again discussed, 394, 396.

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Bill, objection to 2nd R. On Sir John Abbott's M. for suspension of Rule, for 2nd R. presently (Beet-root sugar bounty B.) Mr. Power objected, but, at the Premier's suggestion, waived objection, on the understanding that he might discuss the B. on its 3rd R., 499.

Bill, partial passage this session, and resuming it where left, next year, advocated by several hon. Senators, and its practicability discussed by the Premier (p. 484) in the debates on "Criminal Law Act, 1892; B. (7)."

Bill, petition irregular. On recommendation of Standing Ord. and Priv. B. Com., the School Savings Bank B. was placed on Orders for 2nd R., although late, owing to its being returned to petitioners for irregularity, 491–2. The B. was subsequently rejected on general grounds.

Bill, private, affecting public rights. On 2nd R. of Welsbach Patent extension B., the mover (Mr. Dickey) having observed that the rights of the public were fully protected; Mr. Kaulbach contended that extension of a patent deprives the public of a right. Mr. Miller pointed out that, as the B. was to be referred to Priv. B. Com., the facts would be there discussed, 242–3.

Bill, Ry., amalgamation cl. in. Mr. Power, in Amt. to 3rd R. of Winnipeg and Atlantic Ry. Co.'s B., *m.* Amt. to strike out cl. permitting amalgamation with C.P.R. or other Ry. Co., 257-8. In debate thereon, Mr. O'Donohoe advocated a system for all Bills, excluding anticipatory cls. of the kind, 259; but the Amt. was rejected (C. 14, N.-C. 31), 260.

Bill, Ry., approval by Ry. Committee,—of cls. respecting crossings; necessity for, pointed out by the Premier, in Com. on Ry. Act Amt. B. (84), 492.

Bill, reference to Supreme Ct. On Mr. Boulton's Amt. to 2nd R. of Commons representation readjustment B. (16), Mr. Vidal pointed out that Senate has neither the right to pass, nor power of enforcing such a M., 429. Mr. Boulton observed that Senate could insert a cl., in Com., providing that B. should not go into operation till Govt. referred it to Supreme Ct.; and he thought the Court would not refuse to accept such a reference from Parlt., 429. Mr. Scott urged that the objection to the M. should not be pressed, 431; but he and Sir John Abbott suggested that the form of the M. should be modified, 432.

Bill, right of Senate to amend. In Com. on Commons representation readjustment B. (76), Sir John Abbott having informed Mr. Perley that the names of new districts had been agreed upon by the Man. M.P.'s, Mr. Perley maintained the right of Senate to a voice in the matter, 463.

See also "*Bill, money*" (above).

Bill, 2nd R., postponement of. Man. & N.W. Ry. Co.'s B.; Mr. Girard requested postponement in view of his M. for cessation of land grants to Rys., 243; but, after discussion of the point, he withdrew his objection, reserving his right to objection at 3rd R., 246.

Bill, 3rd R. same day as reported from Com. Objection taken to 3rd R. when reported, although without Amt., and the question discussed by various hon. Senators, on the following Bills:—

Bell Telephone Co.'s B. (41), 189.

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Chignecto Marine Ry. Co.'s B. (83), 313-14.

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Bill, title of,—pronounced a misnomer (N. W. T. Act Amt. Bill, E), by Messrs. Vidal and Lougheed, on 2nd R., 122. In Com. of the W., the title adhered to by Mr. Abbott, 122.

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B. N. A. Act, interpretation of. See the debate on "Commons representation readjustment B. (76)."

Committee, Amt. in, erroneous, correction of—see "Bill, Amt. of Com. Report" (above).

Committee, functions of. The organization and duties of Contingt. Accts. Com., discussed in the various debates on "Senate Internal Economy B. (I)."

Committee, hurried reading of cls.,–objected to by Mr. Kaulbach, in Com. on Criminal Law B., 485.

Committee, organization when House not sitting. On M. (Mr. Bellerose) for Adjt., 3–16 March, Mr. Kaulbach objected that Coms. were not yet organized, and Mr. Dickey observed that 92nd Rule required organization on "next sitting day." Mr. Miller raised the point that all except Sundays and holidays were "sitting days," whether House in actual session or not. The M. was, however, amd. to the 4th-16th, 52-3.

Committee, reference back, Notice of. Mr. Power raised, without pressing, the point, on Order for consideration of Ry. Com. Report (amdg. Burrard Inlet Bridge Co.'s B. as to height of bridge and width of swing), that Amt. to recommit the B., to change previous Amt., required notice, 368; Mr. Miller held the contrary, 369.

Sir John Abbott objected to a sub-Amt. (Mr. McInnes) for concurrence in the Com. report, as unnecessary, 370; discussed, and so ruled by the Speaker, 371; withdrawn, 372.

Committee, Report, immediate consideration. Opposed (Wright divorce case) until next day, consent of H. not being unanimous (Mr. Kaulbach), 153; his reasons given, 166.

Committee Report, without its previous Amt. The Burrard Inlet Bridge Co.'s B. having been referred back to Ry. Com., and being reported without an Amt. (which had been made in its previous Report),

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Mr. Power raised the ques. whether Report should be adopted before 3rd R. of B. was moved; the Premier observed that the record was "without Amt.;" and the M. for future 3rd R. was put and agreed to, 375.

Committees, rights of. Mr. Girard having *m.* suspension of 51st Rule (upon petition of Man. and N. W. Ry. Co. for an Act to extend construction period) as recommended by Standing Orders and Private B. Com.; Mr. Power spoke, reserving right of Ry. Com. to take into consideration any delays not sufficiently explained, 233.

Commons Amts., consideration of. Mr. Dickey (on Buckingham and Lièvre Ry. Co.'s B., H) referred to the courtesy due Commons, respecting their Amts; comments made by Mr. Power, in reply, 284.

Debate, expressions in. Objection taken, on the following occasion:—

Marine and Fisheries Dept. B. Mr. Abbott objected to Mr. Scott's expression that every hon. gentleman understands reasons for amalgamation, and observed he had better say some hon. gentlemen imagine the reasons.

Divorce procedure. Questions of sufficiency of Notices, and of strict adherence to the rules, were discussed in the following cases:—

Bennett case, 178.
Harrison case, 168.
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Children, custody of, cl. for,—objected to by Mr. Kaulbach (on Rep. of Com. in favour of Harrison divorce), as it is a matter of civil rights, within purview of Local Legislatures; and children are matters purely for the courts, 261. The report was adopted, 261.

Evidence, printing of,—dispensed with (in Bennett case); but consideration of Com. Report was deferred for the perusal by hon. Senators, the two type-written copies to suffice, 257.

Exhibits, return of. An Amt., for return of one exhibit to respondent (Bennett case), made to Mr. Clemow's M. for return of Petitioner's exhibits, was carried, 310–11.

Fees, refund of,—to petitioner, his B. being rejected (Bennett case). On Mr. Clemow's M. for, as a usual matter, Mr. Kaulbach pointed out that it is not always done, and that Notice of M. should be given; which was done, 307–8. On being again *m.*, it passsed, a suggestion (Mr. Power) that deduction for expenses should include respondent's expenses, not being adopted, 310–11.

Remarriage cl.,—objected to by Mr. Kaulbach (on Rep. of Com. in favour of Harrison divorce), as it authorizes what law already permits, 260. The Rep. was adopted, 261.

Respondent's expenses,—she being successful in her opposition of B.; Mr. Power suggested this being included in the expenses deducted from fees returned to petitioner; it was debated and dropped, 311.

English Parliamentary practice,—several times referred to in debates on "Commons representation readjustment B. (76)," and on "Criminal Law Act, 1892; B. (7)." Mr. Power contrasted this with following English policy in trade matters, 500; to which Mr. Abbott replied, 502. *See* also "*Lords, Rules of*" (below).

Fees (inspection), fixing of by Commons. In Inspection Act Amt. B. (N), the fees having been fixed by Senate in Com.; Sir John Abbott, on Order for 3rd R., *m.* Amt., to strike out the cl., so as to leave the matter to Commons, 347–8. Mr. Scott objected, that this was straining constitutional usage, the inspection being optional, 349; point discussed, and usage of H. of Lords quoted: Messrs. Miller, Scott, Dever, 349; Amt. agreed to, 350.

(See also "Bill, money," above).

French, printing of Bills and reports in. *See* "French printing," in general index.

Govt., Dominion or Local. Powers of, in regard to disused roads (in Com. on Dom. Lands Act Amt. B., 89), discussed, 382-3.

Govt. or Parlt., protection of navigation by. Ques. to which the duty properly appertains, discussed in the debate on the Amts. regulating height of bridge, or width of draw, to Burrard Inlet Bridge Co.'s B. (65), 358, 372.

Inquiries not debatable. On Inqy. (Mr. Boulton) *re* Nfld. trade relations; Ques. of Order (Mr. Kaulbach) against extended remarks, 56; discussed, 56, 58; the Speaker: Rule precludes debate, therefore remarks on Inqy. should not include debatable questions; present decision left to the House, 58. Further ques.; Mr. Masson; reply: the Speaker, 58. Further remarks on the usage, 58.

Mr. Boulton resumed, but Mr. Howlan again rose to Order, upon irrelevancy of remarks to the Inqy., 60; further discussion, 60, 61; Mr. Boulton withdrew his Inqy., 61.

Legislation late in session. Comments upon late introduction of Bills, and suggestions for their entire or partial postponement till next session, in debates on "Criminal Law Act, 1892; B. (7);" also by some hon. Senators, in debates on "Commons representation readjustment B. (76)." Objection also, on this ground, to School Savings Bank B., 491; Customs duties Act Amt. B., 500; Ry. subsidies B., 519. On the last B., Sir John Abbott pointed out that it was not expedient to present such a B. early in session, 520.

Legislation, initiation in Senate. *See* "Senate" (below).

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Lords, House of, Rules,—quoted, and ques. how far they should be followed was discussed, on following occasions :—
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Notice of M. Necessity of, pointed out, by Mr. Kaulbach ; had Notice not been insisted on, he would not have detected the necessity for his Amt. to Mr. Clemow's M. for return of petitioner's exhibits (in Burnett divorce case), that one exhibit should be returned to the respondent, 310.

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Parliamentary procedure,—of Canada in the past, of England, Australia, New Zealand and U. S., discussed in the debates on "Commons representation readjustment B. (76)." Also, as to criminal law legislation, on "Criminal Law Act, 1892 ; B. (7)."

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Provincial Legislature authorizing offences. Mr. Power pointed out, in Com. on Criminal Law B., that Quebec Legislature having legalized Lotteries called for greater stringency by Parlt. in the matter, 488. Mr. Scott suggested that Minister of Justice should consider whether these cls. were sufficiently stringent to stop the lotteries, 489.

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——— TORONTO, SALE OF. *See* "Toronto Ordnance lands sale B. (58)."

OTTAWA, ARNPRIOR, &C., RY. ; subsidy. *See* "Railways, subsidies B. (101)."

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Inverness and Richmond Ry.
Joliette and St. Jean Ry.
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Kingston, Smith's Falls, &c., Ry.
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Lake Témiscamingue Ry.
Lindsay, Bobcaygeon, &c., Ry.
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Manitoulin and North Shore Ry.
Matane Branch Ry.
Monfort Colonization Ry.
Montreal and Champlain Ry.
Murray Bay to Cape Tourmente Ry.
New Glasgow Iron, &c., Ry.
Nicola Valley Ry.
Nipissing and James Bay Ry.
Ont. and Pacific Ry.
Ont., Belmont, &c., Ry.
Ottawa, Arnprior, &c., Ry.
Philipsburg Junction Ry.
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